## PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approvant an amendment to Case 112x for expansion of operation

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Heuring advertising, posting, etc., upon filling of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):	
(Type or Print Name)	Harold W. Gore (Type or Print Name)	ELECTION
Signature	Signature W Tu	
Address	(Type or Print Name)	Large of
City and State	Signature	1.7:
Attorney for Petitioner:		
Richard A. Reid (Type or Print Name)  MM Signature	3081 E. Commercial Boulevard Address (305) 771-0737 Phone Ft. Lauderdale, Florida 33. City and State	No.
102 W. Pennsylvania Avenue Address	Name, address and phone number of legal own tract purchaser or representative to be conta-	er, con- cted
Towson, Maryland 21204  City and State		
	Name	
Attorney's Telephone No.: (301) 823-1800	Address Phone	No.
ORDERED By The Zoning Commissioner of	Baltimore County, this16th	đ: v
ofApril, 19_81_, that the required by the Zoning Law of Baltimore County, out Baltimore County, that property be posted, an Commissioner of Baltimore County in Rocm 10	subject matter of this petition be adverti- in two newspapers of general circulation th d that the public hearing be had before the	sed, as rough- Zoning
County, on theday of	June , 1981 , at 2:00	o'eloek
<u> Р</u> а_М.	Jahn Ed -	λ
	Zoning Commissioner of Baltimore C	ounty.

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E. DIRECTOR

Z.C.O.-No. 1

April 17, 1981

Mr. William E. Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Item #167 (1980-1981)
Property Owner: Harold W. Gore
S/S Hart Rd. 3456' E. of Providence Rd.
Acres: 4.39 District: 9th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments which were supplied for this and the adjoining site to the northeast, in conjunction with the Zoning Advisory Committee review of the respective properties for Items 101 (1975-1976), 76-142X and 243 (1975-1976), 77-37X are referred to for your consideration.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 167 (1980-1981).

and the suppression of the suppr

Very truly yours,

Robert & Morton Am.

ROBERT A. MORTON, P.E., Chief

RAM: EAM: FWR: SS

61 Tax Map

1:

cc: Jack Wimbley Attachments R-SF Key Sheet 44 NE 12 Pos. Sheet NE 11 C Topo

# PETITION FOR SPECIAL EXCEPTION

1 THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the Studio herein described property for Radio Station Andrews Regulations of Radio Station Andrews Regulations of Baltimore County, to use the Studio herein described property for Radio Station Andrews Regulations of Baltimore County, to use the Studio herein described property for Radio Station Andrews Regulations of Baltimore County, to use the Studio

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of above Sp cial Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

6>

Contract Purchaser Legal Owner(s): Harold W. Gore (Type or Print Name) (Type or Print Name) (Type or Print Name) City and State Attorney for Petitioner: Richard A. Reid 3081 E. Commercial Blvd. (Type or Print Name) Mornid Ft. Lauderdale, Florida 33308 City and State 102 W. Pennsylvania Avenue Name and telephone number of legal owner, contract purchaser or representative to be contacted Towson, Maryland 21204 Tom Lamprecht City and State Attorney's Telephone No.: (301) 823-1800 (301) 823-5357 ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of April ...., 19 81, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore ----- day of June 19\_1, at 2:00 o'clock

Z.C.O.—No. 1

\_\_\_P\_M.

(over)

July 15, 1976

Mr. S. Eric DiNemna Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Item #243 (1975-1976)

Property Cwner: Robert W. Sudbrink

S/ES Tart Rd., 4050' N/E Providence Rd.

Existing Zoning: DR 1

Proposed Zoning: Special Exception for a redio studio.

Acres: 4.19 District: 9th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied in connection with the Zoning Advisory Committee review of this site for Item #101 (1975-1976) are referred to for your consideration. The submitted plat indicates that the present access drive to this site traverses the adjacent Bridenstein property. The entrance locations are subject to approval by the Department of Traffic Engineering and shall be constructed in accordance with Bultimore County Standards.

ELLSWORTH N. DIVER, P.E. Chief, Bureau of Luginaering

End: Ean: Far: 69

R-SE Key Sheet 44 NE 11 f 12 Pos. Sheets NE 11 C Topo 61 Tax Map BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 22, 1981

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

102 West Pennsylvania Avenue Towson, Maryland 21204

Richard A. Reid, Esquire

Nichol.\_ B. Commodari

/- Chairman

\* MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commissi
Bureau of

Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial

RE: Item No. 167
Petitioner - Harold W. Gore

Special Exception and Special Hearing Petitions

Dear Mr. Reid:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Located on the southeast side of Hart Road northeast of its intersection with Providence Road in the 9th Election District, the subject property is presently improved with a transmitting tower and accessory transmitter building that are existing as a result of Case No. 76-142-X. Because of your client's proposal to construct an addition to the existing building for use as a radio studio and thereby, amend the original site plan, this combination hearing is required.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

NBC:bsc Enclosures

cc: Gerhold, Cross & Etzel 412 Delaware Avenue Towson, Maryland 21204

Baltimore Courty, Maryland Department Of Public Works

COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

January 8, 1976

Bureau of Engineering
ELLEWORTH N. DIVER, P. E., CHIEF

Mr. S. Eric DiMenna Zoning Commissioner County Office Building

Re; Item #101 (1975-1976)
Property Owner: Robert W. Sudbrink
S/ES of Hart Rd., 3456 N/E of Provide
Existing Zoning: DR 1

Property Owner: Robert W. Sudbrink
S/ES of Hart Rd., 3456\* N/E of Providence Rd.
Existing Zoning: DR l
Proposed Zoning: Special Exception for wireless
transmitting structure and transmitting station bldg.
No. of Acres: 4.39 District: 9th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Hart Road, an existing road is proposed to be improved in the future as a 30-foot closed section roadway on a 50-foot right-of-way. Highway improvements, including highway right-of-way widening will be required in connection with any grading or building permit application. Horizontal and vertical realignments are involved. Further information may be obtained from the Baltimore County Bureau of Engineering. The submitted plan must be revised accordingly.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Irovisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #101 (1975-1976)
Property Owner: Robert W. Sudbrink
Page 2
January 8, 1976

f Storm Drains: (Cont'd)

Puture drainage and utility easements may be required through this site.

Wate

Public water surply can be extended to serve this property which indicates proposed use of a well on Potitioner's property adjacent to and northeast of this site.

Sanitary Sewer:

Public sanitary sewerage is not available to curve this site which proposed to utilize a private onsite sewage disposal system.

ETLSWORTH N. DIVER, F.E. Chief, Bureau of Engineering

cc: J. Trenner

END: EAM: FWR: 59

R-SE Key Sheet 44 NE 11 & 12 Pos. Sheets NE 11 C Topo 61 Tax Map

Petition 81-206X Hart Road

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- I, the undersigned, a resident of the neighborhood of Hart Road, immediately affected by a proposed zoning special exception petition for changes to the property on the south side of Hart Road, East of Providence Road, hereby wish it known:
- 1. That I object as to any further enlargement of the commercial use by radio studios and radio antenna in our residential neighborhoe
- 2. That the expansion of wireless transmission facilities impedes the quiet enjoyment of our homes and could be detrimental to our safety, welfare and to the general public good of our residentially designed neighborhood.
- 3. That in the past we have consented, or our predecessor in title have consented to the gradual expansion of useage of this property.
- 4. That the traffic pattern, the insufficiency of road availability, the danger of fire and lack of service of a fire and police nature due to the limitation of the road size makes the further addition incompatible and unacceptable.
- 5. The last concession granted by the Deputy Zoning Commissioner, George Martinak, limited the "expansion of radio station WLIF's facilities or the facilities of any future stations operating in the subject location shall be limited to the above 800 square foot addition" which Order was accompanied by a plat. The owners, developers and successors in title have breached the good faith of past negotiations of the residents of the neighborhood and wish a further encroachment upon our tranquility and residentially zoned lands.
- 6. My property is in the immediate vicinity of the requested change in the special exception.
- 7. It is my wish that this statement of protest be added to the Zoning Commissioner's file to be considered at the hearing in addition to testimony which I might make available at that time.

	j
NAME: ADDRESS:	DATE:
Every Dodges 1024 Start Rd	6/5/81
Shows 1024 Hail Rel	6-2-21
Arten the Ceners 1026 Hart Rd	6-2-81
lereyon bevas 1026 Hart Re	l 6-2-81
mattle J Ochh 10 29 Hant Bs.	6-2-51
Joan D. Rehake 1029 Hast Rd.	6-2-81
This Tarrett 1221 That RL	_ 6.2-81
Charles Electioned 1101 Harf Rd	21204 3 June 1981
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GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors 412 DELAWARE AVENUE TOWSON, MARYLAND 21204 823-4470

May 18, 1976

WLIF Zoning Description

All that piece or parcel of land situate, lying and being in the Ninth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point distant South 45 degrees 09 minutes East 73.17 feet from the centerline of Hart Road which centerline point of Hart Road is distant 4050 feet measured easterly and northeasterly from the center of Providence Road and running thence from said place of beginning and binding on the property line of Robert W. Sudbrink, the petitioner herein, the four following courses and distances viz: South 45 degrees 09 minutes East 345.55 feet, North 61 degrees 47 minutes East 422.67 feet, North 43 degrees 20 minutes West 536.90 feet and South 35 degrees 40 minutes West 427.01 feet to the place of beginning.

Containing 4.19 Acres of Land more or less.

Being the property of the petitioner herein and shown on a plat filed with the Zoning Jepartment.

ELLEMBALE

20. 81-206-XSPH PETITIONERS EXHIE, IS

- Gibraltar Industries, Inc. The Magothy
- WLIF plan dated 5/18/76 ✓ 2. √3. Zoning File #76-142-X
- Sudbrink plan dated 11/17/75
- Plan submitted with petition 81-206-XSPH
- Gerhold, Cross & Etzel description dated 5/18/75
- Dollenberg, Gerhold, Cross & Etzel description dated 11/17/75 Gerhold, Cross & Etzel description dated 2/20/81 × 7.
- ✓ 8. Photogrammetric map

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your P tion has been received \* this 17th day of

S. Eric Dillenna,
Zoning Commissioner

Submitted by

Reviewed by

Reviewed by

\* This is not to be interpreted as acceptance of the Petition for

assignment of a hearing date.

FRED H. DOLLENBENG CARL L. GERHOLD JOHN F. ETZEL WILLIAM Q. ULRICH

GORDON T. LANGDON

VIT 1

DOLLENBERG, GERHOLD, CROSS & ETZEL Registered Professional Engineers & Land Surveyors

412 DELAWARE AVENUS TOWSON, MARYLAND 21204

823-4470

November 17, 1975

PAUL G. DOLLENBERG

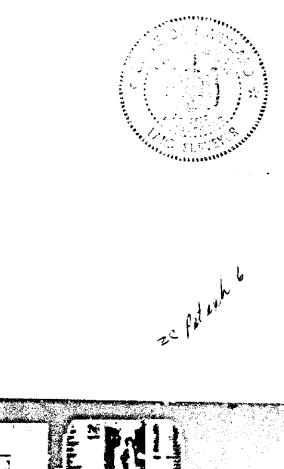
Zoning Description

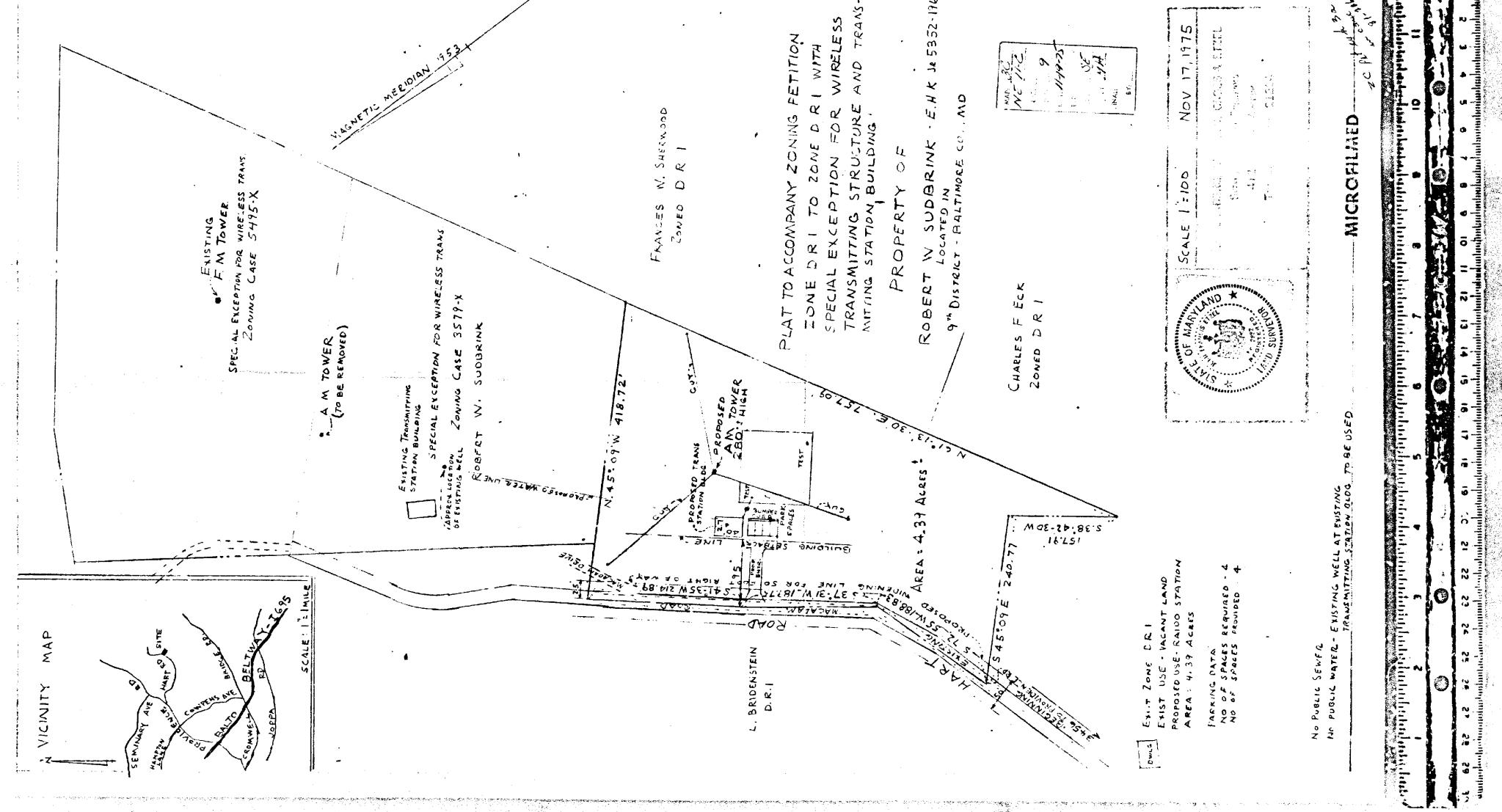
All that piece or parcel of land situate, lying and being in the Ninth Election District of Baltimore County, State of Maryland and described as follows to wit:

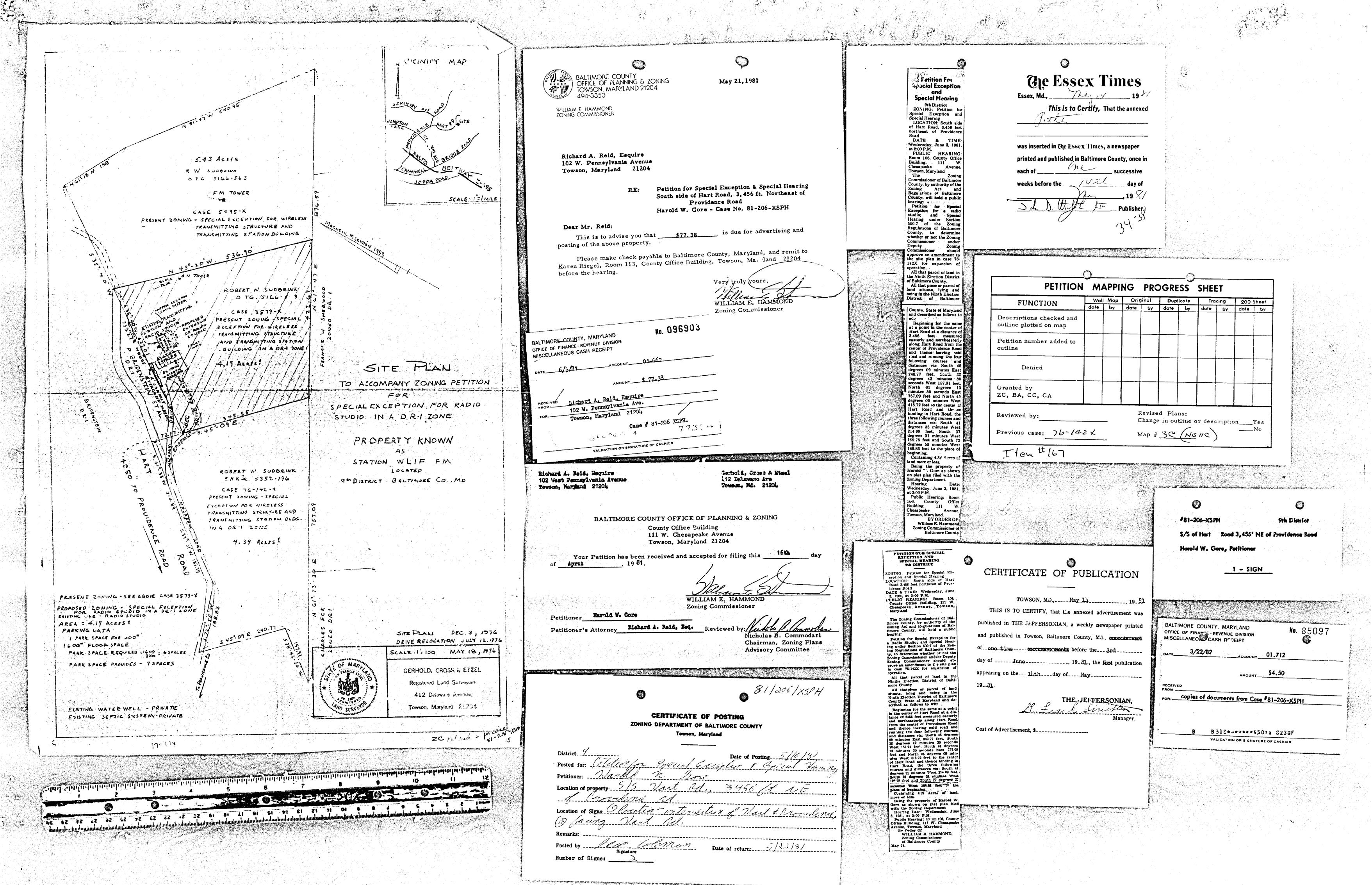
Peginning for the same at a point in the center of Hart Road at a distance of 3456 feet measured easterly and northeasterly along Hart Road from the center of Providence Poad and thence leaving said Hart Road from the center of Providence Poad and thence leaving said road and running the four following courses and distances viz: South 45 degrees 09 minutes East 240.77 feet, South 38 degrees 42 minutes 30 seconds West 157.91 Feet, North 61 degrees 13 minutes 30 seconds East 757.09 feet and North 45 degrees 09 minutes West 418.72 feet to the center of Hart Road and thence binding in East Road, the three following courses and distances with South 41 degrees 35 minutes West following courses and distances viz: South 41 degrees 35 minutes West 214.89 feet, South 37 degrees 31 minutes West 189.75 feet and South 72 degrees 55 minutes West 188.83 feet to the place of beginning.

Containing 4.39 Acres of land more or less.

Reing the property of the petitioner herein and shown on a plat filed with the Zoning Department.







Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

Mr. William E. Hammond Zoning Commissioner March 17, 1981

Carles and Carles and the Carles and

O

If a well is to be used, prior to occupancy of the building, a bacteriological water supply must be collected to verify the potability at the water supply.

> Ian J. Forrest/ Director BUREAU OF ENVIRONMENTAL SERVICES

IJF/kc

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appealing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of \_\_\_\_\_, 19\_\_\_, that the herein Petition for Special Exception

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204

NORMAN E. GERBER

May 18, 1981

Mr. William Hammond, Zoning Commissioner Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #167, Zoning Advisory Committee Meeting, March 24, 1981, are as follows:

Property Owner: Harold W. Gore Location: S/S Hart Roud 3456' E. of Providence Road Acres: 4. ? District: 9th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

Landscaping should be provided for the site.

John L. Wimbley Planner III

March 24, 1981

Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF HEALTH TOWSON, MARYLAND 21204 DONALD J. ROOP, M.D., M.P.H. DEPUTY STATE G COUNTY HEALTH OFFICER

March 17, 1981

Mr. William E. Hammond Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item 167, Zoning Advisory Committee Meeting of March 24, 1981, are as follows:

Property Owner: Harold W. Gore

S/S Hart Road 3456' E. of Providence Location:

Existing Zoning: D.R. 1

Proposed Zoning: Special Exception for Radio Studio and

Special Hearing to amend the site plan for Case 76-142 X for allow expansion of

operation

Acres: 4.39 District: 9th

A water well and sewage disposal system are proposed. Although metropolitan water is not presently available, the property is located in an area designated as a W-1 planned service area. The owner must therefore either extend metropolitan water to serve the property or if this proves too costly, submitt a written request to this office, to approve a variance to the w-1 service area and allow a well to be drilled.

All requirements of the Maryland State Department of Health and Baltimore County Department of Health pertaining to private water and or sewage systems must be complied with prior to approval of building applications.



PAUL H. REINCKE CHIFF

March 20, 19181

Mr. William Hammond Toning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Harold W. Gore

Location: 2,5 Hart Road 3456' E. of Providence Road

Zoning Agenda Meeting of March 24,1981 Item No.:

Gentlemen:

Parsuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved toad in accordance with Baltimore County Standards as published by the Department of Public Works. Fire hydrants at 300 feet intervals

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(XX) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requiremen s of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at this time. Noted and Alcong & Millegan

Planning Group Special Inspection Division

Fire Prevention Bureau



TED ZALESKI JR.

Mr. William E. Hammond, Zoning Commissioner Office of Planning and Zoning County Office Building

Towson, Maryland 21204 Dear Mr. Hammond: 167

Comments on Item # Zoning Advisory Committee Meeting, March 24, 1981

Property Owner: Harold W. Gore
Location: S/S Eart Road 3456' E of Providenc Road Location: S/S Har Existing Zoning: D.R. 1

Proposed Zoning: Special Exception for Radio Studio and Special Hearing to amend the site plan for Case #76-142 X for allow expansion of operation.

District:

The items checked below are applicable:

X 1. All structures shall conform to the Baltimore County Building Code 1978, the State of Maryland Code for the Handicapped and Aged; and other applicable Codes. and other miscellaneous

X B. A building/\_\_\_\_\_permit shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.

X D. Commercial: Three sets of construction drawings with a Maryland Registered

In wood frame construction an exterior wall erected within 6' 0 of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0 of lot line. A minimum 8" masonry firewall is required if construction

F. Requested variance conflicts with the Baltimore County Building Code,

A change of occupancy shall be applied for, along with an alteration permit application, and three required set s of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 305 and the required construction

X I. Comments . Show handicap parking, signs, curb cuts, building access, etc., on plans.

NOTE These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired additional information may be obtained by visiting Roum #122 (Plans Review) at 111 West Chesapeake Ave., Towson.

Charles E. Burnham, Chief

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: March 19, 1981

Mr. William E. Hammond Zoning Commissioner Baltimore County Office Building 1111 West Chesapeake Avenue Towson, Maryland 21204

Z.A.C. Meeting of: March 24, 1981

RE: Item No: 166, 167, 168, 169 Property Owner: Location: Present Zoning:

Proposed Zoning:

District: No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

Wm. Nick Petrovich, Assistant Department of Planning

WNP/bp

CEB: rrj

이 모으면 보이 하는 것이 하는 경기를 가는 그들은 사람들은 사회에 되는 사람들이 되었다. 그렇는 사고의 가는 사람들이 모르겠다.

ROYSTON, MUELLER, MCLEAN & REID ATTORNEYS AT LAW

CARROLL W. ROYSTON ~ !" H. ANTHONY MUELLER R. TAYLOR MOLEAN RICHARD A. REID E. HARRISON STONE MILTON R. SMITH, IR. C. S. KLINGELHOPER 111-THOMAS F. McDONOUGH

102 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204 (301) 823-1800

JOHN L. ASKEW

August 12, 1981

Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Petitions for Special Exception and Special Hearing S/S of Hart Road, 3,456' NE of Providence Road 9th Election District - Harold W. Gore, Petitioner No. 81-206-XSPH (Item No. 167)

Dear Sir:

Please note an appeal to the County Board of Appeals of Baltimore County from the order of the Deputy Zoning Commissioner in the above entitled case dated July 16, 1981.

The person appealing is the Petitioner, Harold W. Gore, 3081 E. Commercial Boulevard, Ft. Lauderdale, Florida 33308. Mr. Gore is the legal owner of the property involved.

Enclosed is our check in the amount of \$80.00 representing the costs of filing this appeal plus the cost of posting.

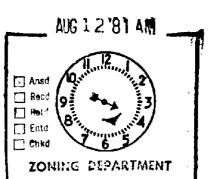
Very truly yours,

Richard A. Reid

Attorney for Appellant (Petitioner)

, RAR/keg Enclosure

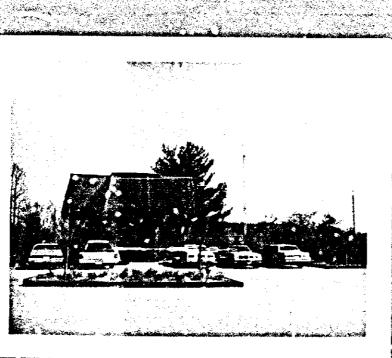
• HAND DELIVERED



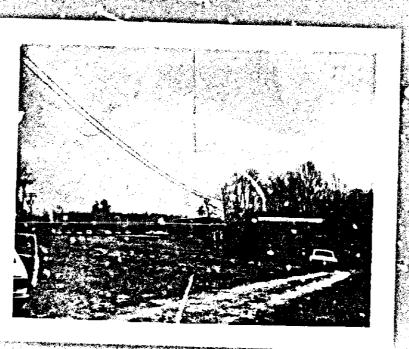
BALTIMORE COUNTY OFFICE	E OF PLAUNING & ZONING
County Office	
Your Petition has been received this	day of
Filing Fee \$ 50.00	Received: Check
لد	Cash
Item# 167	Other
	William E. Hammond, Zoning Commissioner
Petitioner Horold W. Gorc	Submitted by Richard A. Reist
Petitioner's Attorney R. A. Reil	Reviewed by \ACL
	91-206-X5PH
	TIFICATE OF POSTING PARTMENT OF BALTIMORE COUNTY Towsen, Maryland
District Deard of	Date of Posting 4/14/8/  Applals  Dove  1 M. 3456' NE ab.  Dant Rd.
Posted for: Lacate To The Posteriores	rell a horse
Location of property: 5/5	nl M. 3456' NE d
Providence A	
Location of Signs: [MULING]	Hart Rd.
Remarks:	

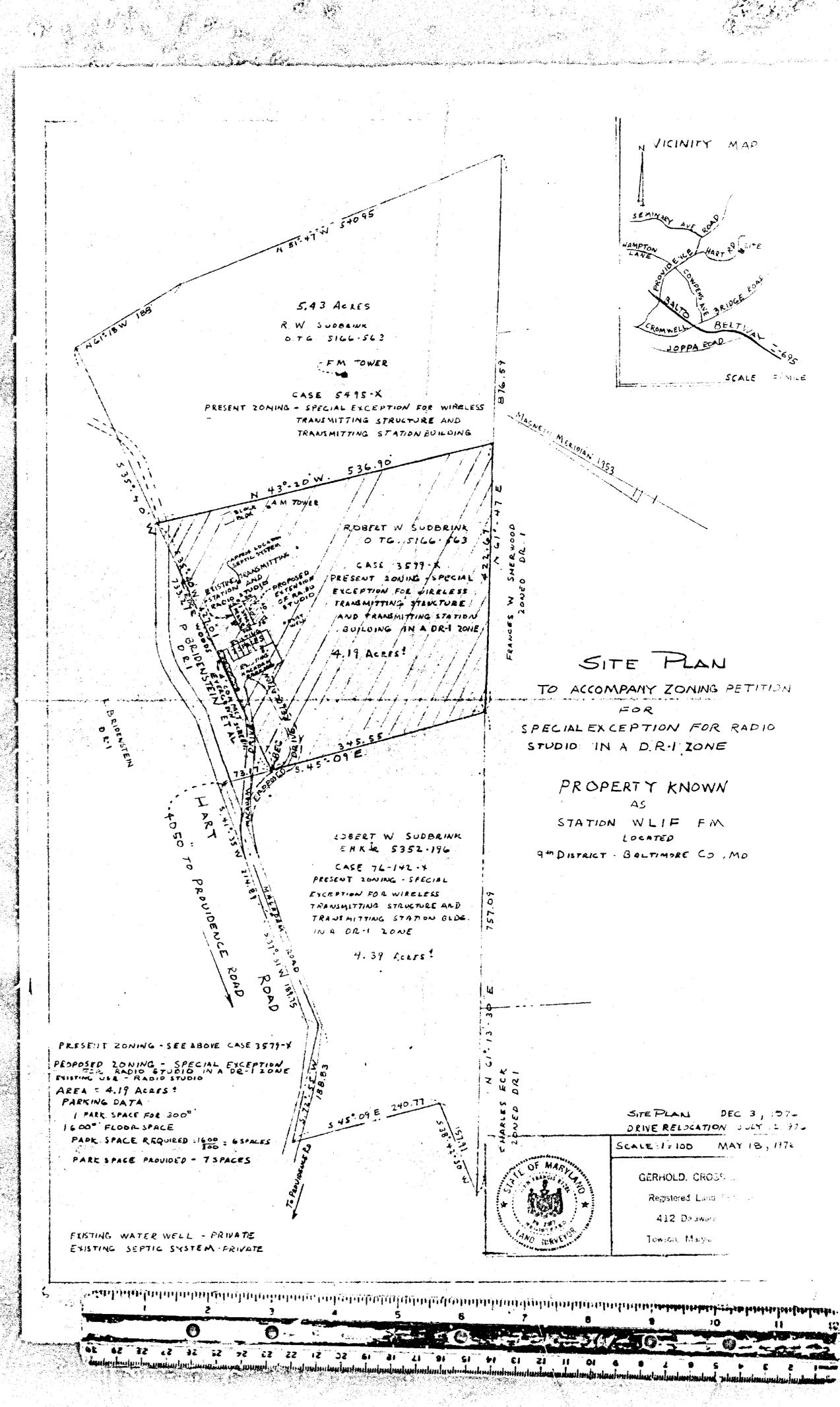
Number of Signs:

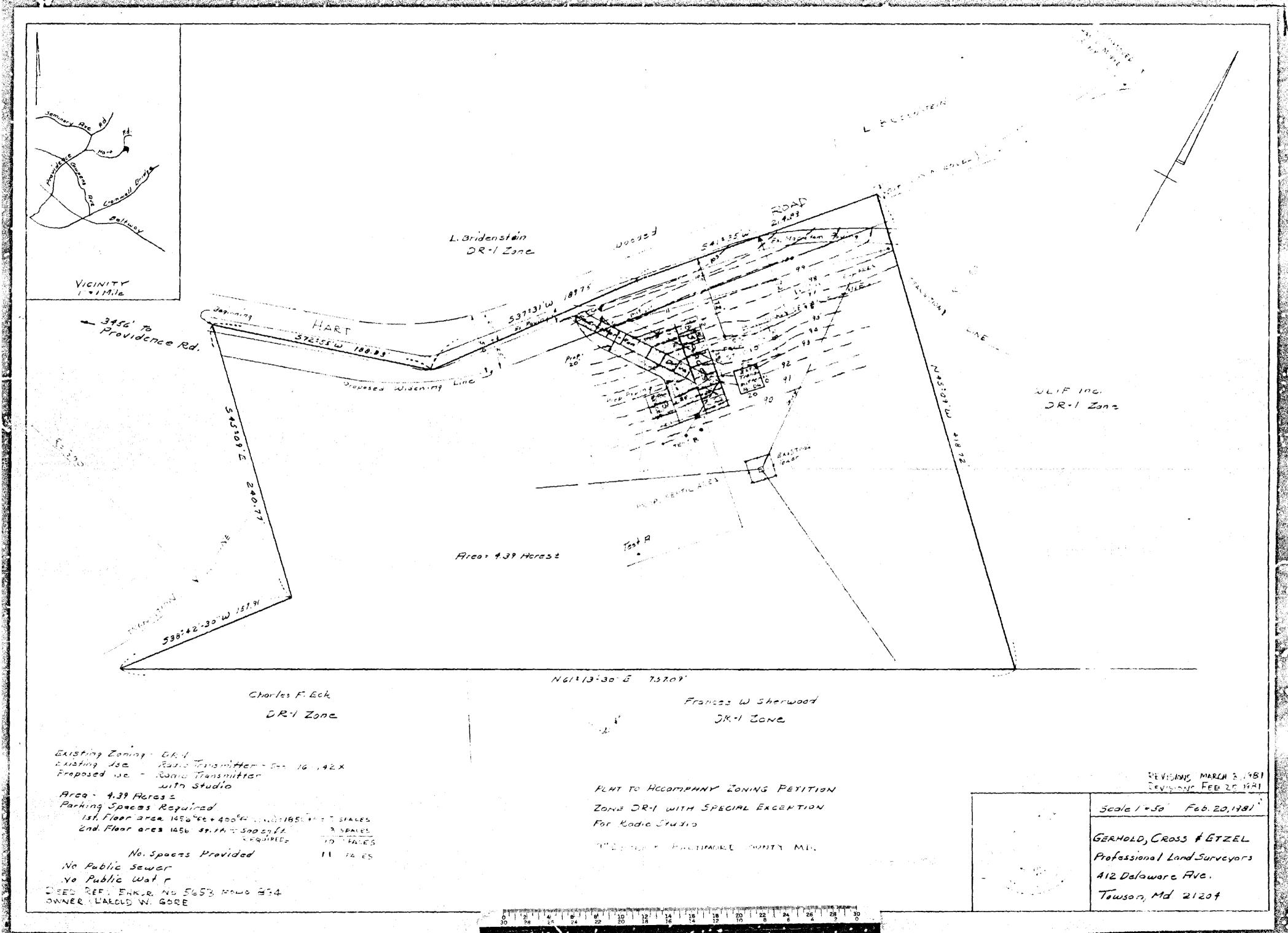
BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT  DATE May 4, 1981 ACCOUNT 01-662	
9/2/81 01-662 ACCOUNT \$80.00	AMOUNT \$50.00  RECEIVED Royston, Meuller, McLean & Reid	
RECEIVED Richard A. Reid, Esquire FROM: FOR: Appeal Fee for Case #81-206-XSPH	FOR: Filling Fee for Case #21-206-XSPH	
VALIDATION OR SIGNATURE OF CASHIER	VALIDATION OR SIGNATURE OF CASHIER	









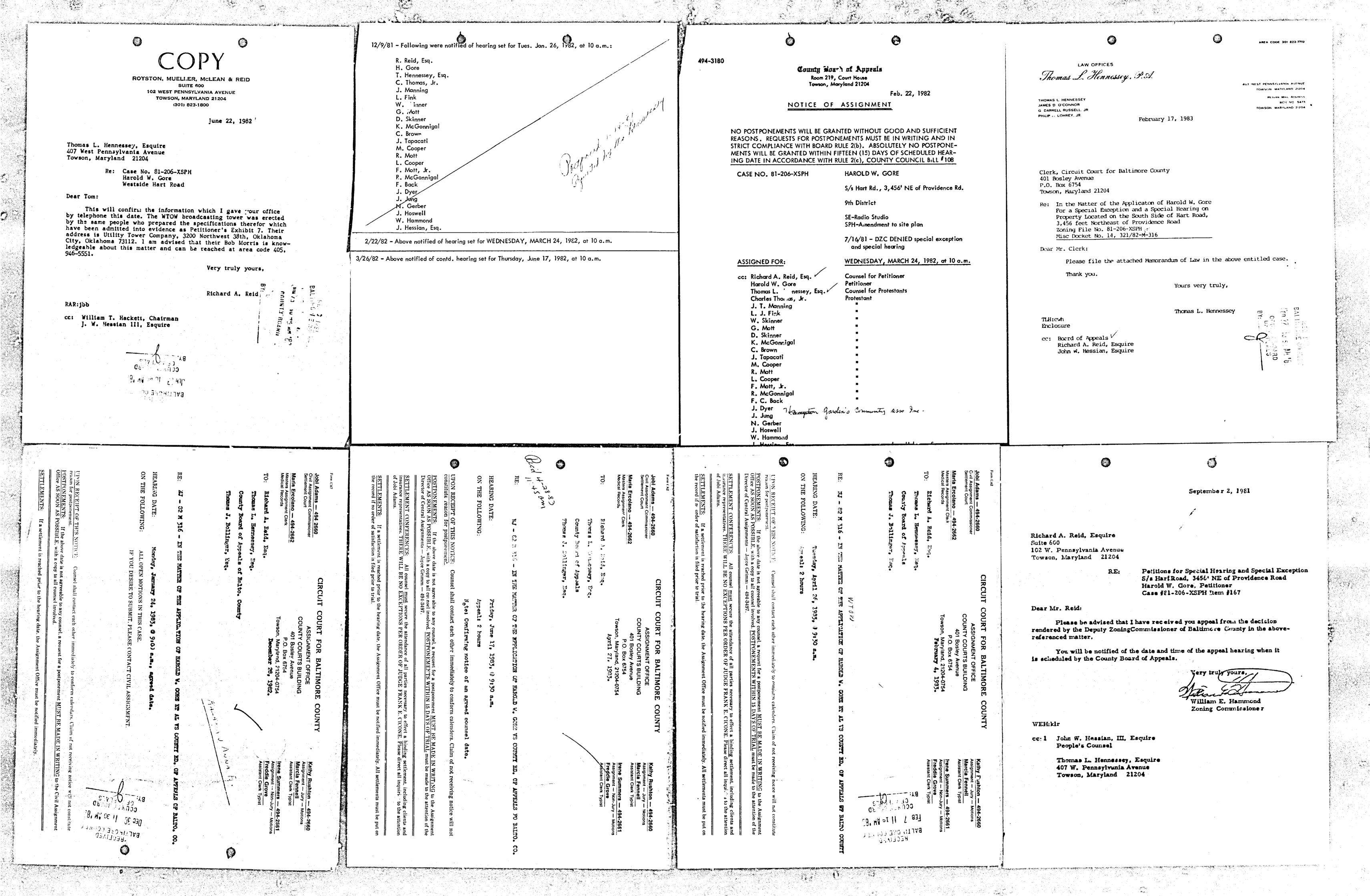


CA-3-3M-12-80. 0 AREA CODE 301 823-771C 494-3180 CIRCUIT COURT FOR BALTIMORE COUNTY ROYSTON, MUELLER, MCLEAN & REID County Board of Appeals CRIMINAL ASSIGNMENT OFFICE ATTORNEYS AT LAW Room 219, Court House Thomas L. Scennessey, P.A. TOWSON, MARYLAND 21204 SUITE 600 Towson, Maryland 21204 CARROLL W. ROYSTON 102 WEST FENNSYLVANIA AVENUE OF COUNSEL 494-2694 H. ANTHONY MUELLER IOHN L. ASKEW TOWSON, MARYLAND 21204 407 WEST PENNSYLVANIA AVENUE R. TAYLOR MCLEAN January 14, 1982 TOWSON, MARYLAND 21204 RICHARD A. REID THOMAS L. HENNESSEY
LAWRENCE ANTHONY MELFA (301) 823-1800 E. HARRISON STONE RETURN MAIL ADDRESS MILTON R. SMITH IR. JAMES D. O'CONNOR BOX NO 5473 January 8, 1982 C. S. KLINGELHOFER III December 7, 1981 THOMAS F. McDON-JUGH NOTICE OF POSTPONEMENT TO Thomas L. Hannessey, Esq. LAWRENCE F. HAISLIP 407 W. Pennsylvania Ave. Towson, MD 21204 CASE NO. 81-206-XSPH HAROLD W. GORE County Board of Appeals February 16, 1982 Room 219, Court House Towson, Maryland 21204 S/S Hart Road, 3456' NE of Providence Rd. Edith T. Eisenhart, Administrative Secretary Re: Case No. 81-206-XSPH Harold W. Gore County Board of Appeals 9th District Westside Hart Road Room 219, Court House Date of Trial: Tuesday, January 26, 1982 Towson, Maryland 21204 Scheduled for hearing on Tuesday, January 26, 1982 at 10 a.m. has been at 10 a.m. RE: Case No. \_\_\_\_\_75823\_\_\_\_\_ Re: Case No. 81-206-XSPH Harold W. Gore POSTPONED at the request of Counsel for Protestants (in court) Gentlemen: State of Maryland vs. Paul Phillip Briggs S/S Hart Road, 3456' NE of Providence Road I have received the trial date of January 26, 1982, on the above-Ninth Election District cc: Richard A. Reid, Esq. entitle' matter. Unfortunately, prior to that time, I was scheduled for a jury Harold W. Gore trial in Baltimore County which is estimated to take three days and this trial Dear Ms. Eisenhart: Thomas L. Hennessey, Esq. will proceed as it currently appears. The trial is of a criminal nature and Charles E. Thomas, Jr. it involves two separate defendants, being Case No. 75822 and 75823. I am attaching Would you please schedule the above entitled case for hearing The \_\_\_\_\_ of the above entitled case has been definitely herewith a copy of the Central Assignment's trial notice showing the scheduling J. T. Manning before the County Board of Appeals at the earliest possible date. of that trial as of December 7 and request that you re-assign the hearing for L. J. Fink Tuesday, January 26, 1982. In the re-assignment, I request that you not place the W. Skinner Very truly yours, matter in for a hearing during the period of time from February 12 to the end of G. Mott at 9:30 A.M., Third Floor, County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204. the ...onth since I have a planned vacation out of the continental United States MMAria Richard A. Reid D Skinner in Innsbruck, Austria. I am sending copies of this letter to the attorney for K. McGonnigal the Petitioner, Harn'd Gore, Mr. Richard A. Reid, so that he might be advised C. Brown Any postponement of this date must be in accordance with Maryland Code, Article 27, Section of my request. L. Lar as the protestants whom I represent, they will receive an individual letter acquainting them with the facts of the requested postpone-J. Tapacati 591a, and if requested within 15 days of the date of trial, such request must be made directly to RAR/keg ment through their representative to this office. M. Cooper the Judge to whom the case is assigned for trial. In the event counsel desires to submit legal mem-R. Mott cc: Thomas L. Hennessey, Esq. oranda, or points of authority, it must be submitted at least 5 days prior to the hearing or trial. Thank you very much for your cooperation. L. Cooper J. W. Hessian III, Esq. F. Mott, Jr. R. McGonnigal Criminal Assignment Commissioner F. C. Back W. E. Hammond J. E. Dyer J. Jung TLH/kan N. E. Gerber J. G. Hoswell cc: Richard A.Reid, Esquire J. W. Hessian, III, Esq. Maple Sheet 1/2 - with Edith T. Eiserhart, Adm. Secretary CA-3-3M-12-53. 494-3180 494-3180 ROYSTON, MUELLER, MCLEAN & REID CIRCUIT COURT FOR BALTIMORE COUNTY County Board of Appeals County Board of Appeals CRIMINAL ASSIGNMENT OFFICE SUITE 600 CARROLL W. ROYSTON Room 219, Court House Room 219, Court House TOWSON, MARYLAND 21204 102 WEST PENNSYLVANIA AVENUE OF COUNTER H. ANTHONY MUELLER JOHN LASKEW Towson, Maryland 21204 Towson, Maryland 21204 TOWSON, MARYLAND 21204 R. TAYLOR MCLEAN 494-2694 RICHARD A. REID (301) 823-1800 Feb. 22, 1982 E. HARRISON STONE January 14, 1982 MILTON R. SMITH, IR. NOTICE OF ASSIGNMENT C. S. KLINGELHOFER III THOMAS F. McDONOUCH DATE: December 7, 1981 TO Thomas L. Hennessey, Esq. NOTICE OF POSTPONEMENT 407 W. Pennsylvania Ave. NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT Towson, MD 21204 REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-CASE NO. 81-206-XSPH HAROLD W. GORE August 12, 1981 MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108 S/S Hart Road, 34561 NE of Providence Rd. CASE NO. 81-206-XSPH Zoning Commissioner HAROLD W. GORE County Office Building 9th District Towson, Maryland 21204 S/s Hart Rd., 3,456' NE of Providence Rd. Scheduled for hearing on Tuesday, January 26, 1982 at Ca.m. has been RE: Case No. 75822 Re: Petitions for Special Exception and Special Hearing S/S of Hart Road, 3,456' NE of Providence Road 9th District POSTPONED at the request of Counsel for Protestants (in court) 9th Election District - Harold W. Gore, Petitioner No. 81-206-XSPH (Item No. 167) State of Maryland vs. Willam Stump, JR. SE-Radio Studio SPH-Amendment to site plan cc: Richard A. Reid, Esq. Dear Sir: Harold W. Gore Thomas L. Hennessey, Esq. 7/16/81 - DZC DENIED special exception Please note an appeal to the County Board of Appeals of Baltimore and special hearing Ci. rles E. Thomas, Jr. County from the order of the Deputy Zoning Commissioner in the above The \_\_\_\_\_ Jury Trial \_\_\_\_ of the above entitled case has been definitely J. T. Manning entitled case dated July 16, 1981. January 25, 1982 **ASSIGNED FOR:** WEDNESDAY, MARCH 24, 1982, at 10 a.m. L. J. Fink The person appealing is the Petitioner, Harold W. Gore, 3081 E. Commercial Boulevard, Ft. Lauderdale, Florida 33308. W. Skinner cc: Richard A. Reid, Esq. Counsel for Petitioner at 9:30 A.M., Third Floor, County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204. G. Mott Mr. Gore is the legal owner of the property involved. Harold W. Gore Petitioner D Skinner Thomas L. Hennessey, Esq. Counsel for Protestants K. McGonnigal Enclosed is our check in the amount of \$80.00 representing Charles Thomas, Jr. Any postponement of this date must be in accordance with Maryland Code, Article 27, Section Protestant the costs of filing this appeal plus the cost of posting. C. Brown J. T. Manning 591a, and if requested within 15 days of the date of trial, such request must be made directly to J. Tapacati L. J. Fink the Judge to whom the case is assigned for trial. In the event counsel desires to submit legal mem-M. Cooper Very truly yours, W. Skinner R. Mott oranda, or points of authority, it must be submitted at least 5 days prior to the hearing or trial. Morning G. Mott L. Cooper D. Skinner JOAN MATHER, F. Mott, Jr. K. McGonnigal Criminal Assignment Commissioner \* Ric'ard A. Reid R. McGonnigal Attorney for Appellant (Petitioner) C. Brown F. C. Back RAR/keg J. Tapacati W. E. Hammond Enclosure M. Cooper J. E. Dyer R. Mott HAND DELIVERED J. Jung L. Cooper N. E. Gerber F. Mott, Jr. J. G. Hoswell R. McGonnigal J. W. Hessian, III, Esq. F. C. Back J. Dyer J. Jung N. Gerber ZONDIG DEPARTMENT J. Hoswell W. Hammond J. Hessian, Esq. June Holmen, Secretary

0 494-3180 County Board of Appeals Room 219, Court House Towson, Muryland 21204 494-3180 In the matter of Harold W. Gore Ociober 21, 1982 County Board of Appeals Oct. 21, 1982 Room 219, Court House Fred Mott, Jr. - Protestant IN THE CIRCUIT COURT Towson, Maryland 21204 January 18, 1983 FOR ٧s. County Board of Appeals of Balto. Co. BALTIMORE COUNTY Richard A. Reid, Esquire Thomas L. Hennessey, Esq. BILLED TO: 102 W. Pernsylvania Avenue Docket 14 Folio 321 407 W. Penna. Ave. (21204) Towson, Md. 21204 Case No. 82-11-316 Thomas L. Hennessey, Esq. Re: Case No. 81-206-XSPH 407 W. Penna. Ave. Harold W. Gore Towson, Md. 21204 Re: Case No. 81-206-XSPH Cost of certified documents filed NOTICE OF FILING OF RECORD Harold W. Gore Dear Mr. Hennessey: Dear Mr. Reid: Thomas L. Hennessey Co. Ed. of Appeals Richard A. Reid In accordance with Rule 8-7 (a) of the Rules of Procedure of Attached hereto is a copy of the corrected Page 2 of the Opinion 407 W.Penn. Ave. the Court of Appeals of Maryland, the County Board of Appeals is required Mail Stop 2203 and Order in the above entitled case which we request that you insert in its P.O. Box 5473 Ste. 600 - 102 W. Penna. Ave. proper place and discard the previous Page 2 which was included in this Order. to submit the record of proceedings of the zoning appeal which you have Towson, Md. 21\_04 taken to the Circuit Court for Baltimore County in the above matter within Towson, Md. 21204 Thank you. thirty days. Harold W. Gore S/s Hart Rd., 3456' NE of Providence Rd. The cost of the transcript of the record must be paid by you. 9th District In accordance with Maryland Rule of Procedure B12, you are notified that Very truly yours, Certified copies of any other documents necessary for the completion of the record must also be at your expense. the record in the above entitled case was filed on Jan. 18, 1983 MAKE CHECKS PAYABLE TO: Baltimore County, Md. The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance County Board of Appeals REMIT TO: Encl. Rm. 200, Court House, Towson, Md. 21204 Enclosed is a copy of the Certificate of Notice; also invoice cc: Harold W. Gore N. E. Gerber covering the cost of certified copies of necessary documents. Thomas L. Hennessey, Esq. J. G. Hoswell John W. Hessian, III, Esq. Charles E. Thomas, Jr. Lyndon J. Fink James T. Manning Very truly yours, Wayne Skinner DEFENDANT'S EXCLUSIV Geneva Mott Donald P. Skinner Katie McGonnigal Ciaro Brown June Holmen, Secretary Frank Tapscott Madeline Cooper Randall Mott cc: C. E. Thomas, Jr. C. Brown Larry Cooper F. Tapscott James Manning Fred Mott, Jr. Lyndon Fink M. & L. Cooper Richard F. McGonnigal F. C. Back W. & D. Skinner Frederick C. Back G.&R. &F. Mott K. &R. McGonnigal 1055. W. E. Hammond J. E. Dyer 6 0 AREA CODE 301 823-7710 494-3180 494-3180 LAW OFFICES BALTIMORE COUNTY, MARYLAND Thomas L. Hennessey, P.A. County Board of Appeals County Board of Appeals Room 219, Court House Towson, Maryland 21204 Room 219, Court House INTER-OFFICE CORRESPONDENCE 407 WEST PENNSYLVANIA AVENUE Towson, Maryland 21204 TOWSON, MARYLAND 21204 THOMAS L. HENNESSEY
LAWRENCE ANTHONY MELFA September 22, 1982 October 21, 1982 Mr. W. E. Hammond, Zoning Commissioner JAMES D. O'CONNOR BOX NO. 5473 TO Office of Planning and Zoning June 24, 1982 Date Oct. 21, 1982 TOWSON, MARYLAND 2)204 William T. Hockett, Chairman FROM County Board of Appeals SUBJECT. Certified copies of zoning documents Mr. William T. Hackett, Chairman Board of Appeals Harold W. Gare Case No. 81-206-XSPH Room 219, Court House Towson, Maryland 21204 Re: Case No. 81-206-XSPH Richard A. Reid, Esq. Harold W. Gore 102 W. Pennsylvania Ave. Westside Hart Road Richard A. Reid, Esq. Towson, Md. 21204 102 W. Pennsylvania Ave. Re: Case No. 81-206-XSPH Dear Mr. Hackett: Towson, Md. 21204 Harold W. Gore Dear Mr. Reid: Re: Case No. 81-206-XSPH In accordance with our representation to you, we have tried . Attached please find the necessary documents from the Dear Mr. Reid: Harold W. Gore to check out the matter of the constructed tower in connection with Petitioner's Notice is hereby given, in accordance with the Rules Exhibit No. 7. Mr. Reid has furnished me with certain information concerning of Procedure of the Court of Appeals of Maryland, that an appeal has the erectors and a phone number. I have checked as far as we can and feel that Enclosed herewith is a copy of the Opinion and Order Zoning Commissioner's file which must be certified as True Test copies for the been taken to the Circuit Court for Baltimore County from the decision we will not raise any further objection as to whether or not the tower is erected passed today by the County Board of Appeals in the above entitled case. of the County Board of Appeals rendered in the above matter. in accordance with Exhibit No. 7 and, therefore, other than hoping the Board Circuit Court. views the property, we shall await receiving your decision. Enclosed is a copy of the Certificate of Notice. Very truly yours, Please certify these documents and return same to this office. Thomas L. Hennessey June Holmen, Secretary cc: Richard A. Reid, Esquire Very truly yours, Madeline Cooper cc: Harold W. Gore Randall Mott T. L. Hennessey, Esq. Charles E. Thomas, Jr. Larry Cooper J. T. Manning Fred Mott, Jr. Encl. cc: Harold W. Gore L. J. Fink Richard McGonnigal FLOTUFO N. 35 IU ST N. COUNTY NEWS Frederick C. Back Wayne Skinner J. W. Hessian, Esq. County Board of Appeals Geneva Mott J. Dyer J. Dyer Donald Skinner J. Jung W. Hammond Katie McGonniga N. Gerber J. Jung N. Gerber Ciaro Brown J. Hoswell J. Hoswell Frank Tapscott W. Hammond J. W. Hessian, Esq.

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WILLIAM E PALMMOND ZONGIG COMMISSIONER

July 16, 1981

Richard A. Reid, Esquire 102 West Pennsylvania Avenue Towson, Maryland 21204

> RE: Pctitions for Special Exception and Special Hearing S/S of Hart Rd., 3,456' NE of Providence Rd. - 9th Election District Harold W. Core - Petitioner NO. 81-206-XSPH (Item No. 167)

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Dear Mr. Reid:

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I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: Thomas L. Hennessey, Esquire 407 West Pennsylvania Avenue Towson, Maryland 21204

> John W. Hessian, III, Esquire People's Counsel

CARL L GERHOLD WILLIAM G. ULRICH

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors 412 DELAWARE AVENUE TOWSON, MARYLAND 21204 823-4470

EMERITUS PAUL G. DOLLENBERG

February 20, 1981

Zoning Description

All that piece or parcel of land situate, lying and being in the Ninth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point in the center of Hart Road at a distance of 3456 feet measured easterly and northeasterly along Hart Road from the center of Providence Road and thonce leaving said road and running the four following courses and distances viz: South 45 degrees 09 minutes East 240.77 feet, South 38 degrees 42 minutes 30 seconds West 157.91 feet, North 61 degrees 13 minutes 30 seconds East 757.09 feet and North 45 degrees 09 minutes West 418.72 feet to the center of Hart Road and thence binding in Hart Road, the three following courses and distances viz: South 41 degrees 35 minutes West 214.89 feet, South 37 degrees 31 minutes West 189.75 feet and South 72 degrees 55 minutes West 188.83 feet to the place of beginning.

Containing 4.39 Acres of land more or less.

Being the prolerty of the petitioner herein and shown on a plat filed with the Zoning Department.



May 5, 1981

Richard A. Reid, Esquire 102 W. Pennsylvania Avenue Towson, Mayyland, 21204 CE OF HEARING

PLACE: ROOM 106 COUNTY OFFICE BUILDING. 111 W. CHESAPEANE AVERUE

TOWSON, MARYLAND

BALTIMORE COUNTY

PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING

9th DISTRICT

ZONING: Petition for Special Exception and Special Hearing

LOCATION:

South side of Hart Road 3,456 feet northeast of Providence Rd.

DATE & TIME:

Wednesday, June 3, 1981, at 2:00 P.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

> Petition for Special Exception for a radio Studio; and Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the site plan in case 76-142% for expansion of operation.

All that parcel of land in the Ninth Election District of Baltimore County

Towson, Maryland

Being the property of Harold W. Gore as shown on plat plan filed with the Zoning Department

Hearing Date: Wednesday, June 3, 1981, at 2:00 P.M. Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

> BY ORDER OF WILLIAM E. HAMMOND ZONING COMMISSIONER OF BALTIMORE COUNTY

Thomas L. Hennessey, P.S.1.

LAWRENCE ANTHONY MELFA JAMES D. O'CONNOR

LAW OFFICES

407 WEST PENNSYLVANIA AVENUE TOWSON MARYLAND 21204

RETURN WAL ADDRESS TOWSON MARYLAND 21204

APEA COUR BOLDS & TWO

William E. Hammond, Zoning Commissioner

Re: Petitions for Special Hearing and Special Exception S/s Hart Road, 3456' NE of Providence Road Harold W. Gore, Petitioner Case No. 81-206-XSPH Item #167

Dear Mr. Hammond:

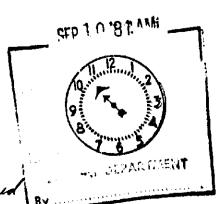
County Office Building

111 West Chesapeake Avenue

Towson, Maryland 21204

I received your notification concerning the Petition for Special Hearing as being appealed in the above-entitled matter. My copy of the Order of Ms. Jung is dated July 16. 1981. I have received no notice of appeal and since the appellate time should have expired on August 15, my clients are requesting that I verify the date which the appeal was noted in the Irning Office.

cc: Mr. Frederick E. Mott, Jr. Richard A. Reid, Esquire John W. Hessian, III, Esquire



NEH telegral Mr. Hennessy and advised By By Mariant Strains

ROYSTON, MUELLER, MCLEAN & REID ATTORNEYS AT LAW

CARROLL W. ROYSTON H. ANTHONY MUELLER R. TAYLOR MCLEAN RICHARD A. REID E. HARRISON STONE MILTON R. SMITH, IR. C. S. KLINGELHOFER, III

THOMAS F. McDONOFICH

401 Bosley Avenue

102 WEST PENNSYIM NIA AVENUE TOWSON, MARYLAND 21204 C-00 823-1800

SUITE 600

OF COUNSEL

JOHN L. ASKEW

4th Floor, New Courts Building Towson, Maryland 21204

Jean M. H. Jung, Deputy Commissioner

Office of the Zoning Commissioner

Re: Petition No. 81-206 XSPH Item 167 Harold W. Gore, Petitioner

Dear Deputy Commissioner Jung:

I understand that Mr. Etzel has delivered to you the site plan first dated May 18, 1976, the transparency of which was introduced in evidence at the hearing of the above entitled case on Wednesday. I have reviewed the microfilm printout of the file in Zoning Case No. 77-37-X (WLIF). The plat delivered to you by Mr. Etzel is, in fact, the zoning plat for that case as Mr. Etzel testified. The restrictions in the WLIF case have then no bearing whatsoever upon the current case. Accordingly, the reservation which I expressed at the close of the hearing to preserve my right to examine the original zoning file in the WLIF case, if and when it is located, is no longer necessary and is hereby withdrawn.

Further, I would like to again point out that Paragraph 5 of the Petitions filed by Protestants (Protestants' Exhibit 1) is in error, as confirmed by the foregoing. Paragraph 3 of Protestants' Exhibit 1 is also in error. There was only one other zoning case for subject property, being Case No. 76-142-X, the special exception for wireless transmitting structure and building which currently exist on the site. That file has been made part of the record in this case and demonstrates that the residents of Hart Road did not consent to the special exception as alleged in Paragraph 3 of Protestants' Exhibit 1, but vigorously opposed it.

In addition, I would like to call your attention to the fact that I do not think the zoning map which you obtained showing two special exceptions was ever formally introduced in evidence. Since it was referred to at the hearing, I think that it should be made part of the record and given an exhibit number.

Very truly yours,

morrio

PHILIP K. CROSS JOHN F. ETZEL WILLIAM G. ULRICH

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors TOWSON, MARYLAND 21204

PAUL G. DOLLENBERG

823-4470

February 20, 1981

Zoning Description

All that piece or parcel of land situate, lying and being in the Ninth Election District of Baltimore County, State of Maryland and described as follows to wit:

412 DELAY ARE AVENUE

Beginning for the same at a point in the center of Hart Road at a distance of 3456 feet measured easterly and northeasterly along Hart Road from the center of Providence Road and thence leaving said road and running the four following courses and distances viz: South 45 degrees 09 minutes East 240.77 feet, South 38 degrees 42 minutes 30 seconds West 157.91 feet, North 61 degrees 13 minutes 30 seconds East 757.09 feet and North 45 degrees 09 minutes West 418.72 feet to the center of Hart Road and thence binding in Hart Road, the three following courses and distances viz: South 41 degrees 35 minutes West 214.89 feet, South 37 degrees 31 minutes West 189.75 feet and South 72 degrees 55 minutes West 188.83 feet to the place of beginning.

Containing 4.39 Acres of land more or less.

Being the prolerty of the petitioner herein and shown on a plat filed with the Zoning Department.



ROYSTON, MUELLER, MCLEAN & REID

ATTORNEYS AT LAW SUITE 600 IG2 WEST PENNSYEVANIA AVENUE

TOWSON, MARYLAND 21204 (301) 823-1800

OF COUNSEL JOHN L. ASKEW

April 16, 1981

Mr. Nicholas B. Commodari

Baltimore County Office of Planning and Zoning County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

> Re: Item No. 167 - Petition For Special Exception and Petition For Special Hearing Harold W. Gore, Petitioner

Dear Mr. Commodari:

CARROLL W. ROYSTON

H. ANTHONY MUELLER

R. TAYLOR MCLEAN

E. HARRISON STONE

MILTON R. SMITH, IR.

C. S. KLINGELHOFER, III

RICHARD A. REID

Enclosed is a copy of the Deed from Mr. Sudbrink to Mr. Gore for the pro erty forming the subject of the above matter. You will see that the property line is in the center of Hart Road. Since the County has not extinguished the property owner's right of reversion, it would make no difference whether or not Hart Road was a County road or a private road. In either case, my client's property line would be coincident with the centerline of Hart Road. Therefore, the 70' setback required herein is taken from Hart Road. Since the improvement as shown on the plat previously submitted is 72' from the centerline of Hart Road, no variance is required.

Accordingly, it is requested that processing of the above matter be resumed and that the matter be scheduled for hearing at the earliest date possible.

Thank you.

Very truly yours,

RAR/keg Enclosure

THE THE PARTY OF T

RAR/keq

cc: Thomas L. Hennessey, Esq.

OFFICE STORY

NOV I '82 AM LAW OFFICES Thomas L. Hennessey, P.A. THOMAS L. HENNESSEY JAMES D. O'CONNOR BOX NO. 5473 N, MARYLAND 21204 October 29, 1982

Mr. William E. Hammond, Zoning Commissioner for Baltimore County County Office Building Towson, Maryland 21204

> Re: Hardd W. Gore, Special Exception Property SS Hart Road Zoning File No. 81-206-XSPH Circuit Court Docket 14, folio 321, File 82-M-316

Dear Mr. Hammond:

Q.

Enclosed herewith are copies of Amendment of Notice of Ap, al, Petition For Extension of Time For Transmission of Record, true test copy of Order, and Petition in Accordance With Rule B2(e) filed today in the captioned matter.

Yours very truly,

Thomas L. Hennessey

TLH:ewh Enclosures

> I HEREBY CERTIFY that on this 2/ day of December, 1982, a copy of the foregoing MOTION TO STRIKE EXTENSION OF TIME FOR TRANSMISSION OF RECORD AND DISMISS APPEAL was mailed to Thomas L. Hennessey, Esq., 407 West Pennsylvania Avenue, Towson, Maryland 21202, Attorney for Protestants-Appellants; William E. Hammond, Zoning Commissioner for Baltimore County, County Office Building, Towson, Maryland 21204; and John W. Hessian, Esq., People's Counsel for Baltimore County, Court House, Towson, Maryland 21204.

> > Richard A. Reid

JAMES D. O'CONNOR

DEC 50.85 VM LAW OFFICES THOMAS L. HENNESSEY

Thomas L. Hennessey, P.A.

Mr. William E. Hammond Zoning Commissioner for

Count, Office Building

Dear Mr. Hammond:

us.

TLH/mlh

Enclosure

Towson, Maryland 21204

Baltimore County

THOMAS L. HENNESSEY

LAWRENCE ANTHONY MELEX

407 WEST PENNSYLVANIA AVENUE BOX NO 5473

AREA CODE 301 823-7710

TOWSON, MARYLAND 21204

October 18, 1982

Enclosed herewith please find a copy of the Notice of Appeal.

If you have any questions, please do not hesitate to contact

Very truly yours,

Thomas 2

Thomas L. Hennessey

RE: County Board of Appeals Case

81-206-XSPH

December 15, 1982

Clerk of the Circuit Court for Baltimore County Court House 401 Bosley Avenue P.O. Box 6754 Towson, Maryland 21204-0754

RE: Harold W. Gore, Special Exception Property SS Hart Road Zoning File No. 81-206-XSPH Circuit Court Docket 14, Folio 321

File 82-M-316

Mr. Clerk:

Please file the enclosed Petition for Extension of Time for Transmission of Record, Points and Authorities and Order in the above encaptioned case.

Thank you for your cooperation in this matter.

Thomas L. Hennessey

Very truly yours,

TLH:prf Enclosures cc: John W. Hessian, Esquire Richard A. Reid, Esquire William E. Hammond J

AS L. HEMMESSEY, P.A

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond Date\_ May 25, 1981 Zoning Commissioner Norman E. Gerber, Director FROM Office of Planning and Zoning

SUBJECT Petition No. 81-206-XSPH Item 167

Petition for Special Exception and Special Hearing South side of Hart Road, 3,456 feet northeast of Providence Rd. Potitioner- Harold W. Gore

Ninth District

HEARING: Wednesday, June 3, 1981 (2:00 P.M.)

Assuming development of the property will be in conformance with the conditions set forth in the petitioner's memorandum prepared by Richard A. Reid and dated 3/4/81, this office would not be opposed to the granting of this request; however, if granted 't is recommended that the order also be conditioned to requ. : a detailed landscaping plan, submitted to and approved by the Division of Current Planning and Development.

NEG: JGH: ab

Zoning File No. 81-206-XSPH

IN THE MATTER IN THE CIRCUIT COURT OF THE APPLICATION OF HAROLD W. GORE FOR BALTIMORE COUNTY FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING AT LAW ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ROAD, 3,456 ft. Misc. Docket No. MORTHEAST OF PROVIDENCE ROAD 9th District Folio No.

Upon consideration of the aforegoing Petition For Extension of Time for Transmission of Record, it is this 15th day of December, 1982, by the Circuit Court for Baltimore County,

ORDERED, that an extension of time be granted for transmission of the record of the proceedings before the County Board of Appeals in the above-captioned case so that the record of the proceedings is to be furnished on or before January 18, 1983.

File No.

per Signidas Burner of John K

True Comy Tost ELIMER H. LUNGLICH, J.L., Clark IN THE MATTER OF THE APPLICATION OF BAROLD W. GORL FOR A SPECIAL EXCEPTION AND A : SPECIAL BEARING ON PROPERTY

RAR/kog 12/21/82

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY LOCATED ON THE SOUTH SIDE OF AT LAW HART ROAD, 3,456 ft. NORTH-EAST OF PROVIDENCE FOAD Case No. 52-M-316 9th District Misc. Doc. 14 Folio Zoning File No. 21-206-XSPH

OF TIME FOR TRANSMISSION OF RECORD AND DISMISS APPEAL

. . . . .

Petitioner-Appellee, Harold W. Gore, by Richard A. Reid, his attorney, moves the court to strike its order granting an extension of time within which Protestants-Appellants, Pred Hott, Jr., et al., are required to transmit the record herein and dismiss the appeal and as reason therefor, says:

The reason that the record was not prepared within the thirty (30) day period required under the Rules as extended to December 19, 1982, by the ex parts order of Judge Raine was because the Protestants-Appellants failed to pay the reporter the cost thereof as required by Md. Rule B.7.2. and not because of the inability of the reporter to prepare it on time.

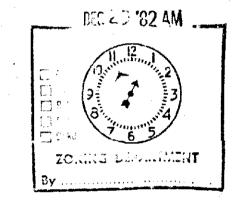
MEMORANDUM OF POINTS AND AUTHORITIES

Md. Rule B.7.2.

Md. Rule 322.

REQUEST FOR A HEARING

Petitioner-Appellee, Harold W. Gore, requests a hearing on this motion.



9th District

Zoning File No. 81-206-XSFH

ROYSTON, MUELLER,

TOWNON, MD. 21204

321

82-M-316

Richard A. Reid 102 West Pennsylvania Avenue Towson, Maryland 21204 Attorney for Petitioner-Appellee

IN THE PARTIE IN THE CHEST COURT OF THE APPLICATION OF COM ENGINEERINE COURTY FOR A SPECIAL EXCEPTION AD A GREEN LINES A GIA The second ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ADAD, 3,456 ft. Nisc. Docket No. HOPPHEAST OF PROVIDENCE ROAD

Upon consideration of the aforegoing Prilition For Extension of Time for Transmission of Record, it is this 15th day of December, 1982, by the Circuit Court for Baltimore County,

CEDERED, that an extension of time he granted for transmission of the record of the proceedings before the County Board of Appeals in the above-captioned case so that the record of the proceedings is to be furnished on at before January 18. 1983.

Tolio ib.

File No.

321

22−14−316

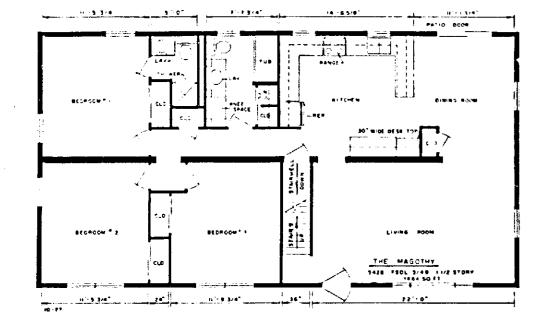
OMAS L. HENNESSEY, 7.5

ROYSTON, MUELLER, McLean & Reid SUITE BOR 102 W. PENNA. AYE. TOWSON, ND. 21204

TOWSON, MD. 21204



THE MAGOTHY



GIBRALTAR INDUSTRIES, INC. 727 North Point Rd. • Baltimore, Maryland 21237 Phone: (301) 488-8282

EXHIBIT \_\_\_

81-206-XSPH

PETITIONERS EXHIBITS

O

Gibraitar Industries, Inc. - The Magothy WLIF plan dated 5/18/76

Zoning File #76-142-X Sudbrink plan dated 11/17/75

Plan submitted with petition 21-206-XSPH

Gerhold, Cross & Etzel description dated 5/18/76 Dollenberg, Gerhold, Cross & Etzel description dated 11/17/75

Gerhold. Cross & Etzel description dated 2/20/81

Photogrammetric map

81-206-XSPH PROTESTANTS EXHIBITS

Petitions (5 pages) Photograph - sign

> Photograph - road & woods Photograph - Zoning sign at Hart & Frovidence

Photogrammetric map marked with road widths & residences 7 photos

Area Zoning map. Chronological Chart PROTOCIANT Procesia

RE PETITION FOR SPECIAL EXCEPTION

S/S of Hart Rd., 3,456' NE of

HAROLD W. GORE, Petitioner

Mr. Commissioner:

Peter Max Zimmerman

Deputy People's Counsel

Maryland 21204, Attorney for Petitioner.

Providence Rd., 9th District

PETITION FOR SPECIAL HEARING

· ·	•
James Thomas Manning	IIII Hart Pd
Charles Edgar Thomas Jr.	1101 Hart Rd
Lyndon J. tink	1035 Hart Rd
Wayne Skinner	1020 Hart Rd
Genera Mott	1033 Hact Rd
Donald P. Skinner	1020 HARTRA
Katie McGonnigal	1022 Hart Rd
Ciar Brown	1008 Hart Rd
Jin Tappcate	1021 Hart Rd
Madeline Cooper	1107 Hart Pd
Randall Mott	1033 Hart Rd
Larry Cooper	1107 Hart Rd
Fred Mott Jr	1033 Hart Rd
RICHARA F. MC GONNIGAL	1022 HART RO.
FREDCRICK C. BACK	1025 HART UN

0

: BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

: Case No. 81-206-XSPH

John W. Hessian, III

Rm. 223, Court House Towson, Maryland 21204

494-2188

I HEREBY CERTIFY that on this 20th day of May, 1981, a copy of the aforegoing

Order was mailed to Richard A. Reid, Esquire, 102 W. Pennsylvania Avenue, Towson,

People's Counsel for Baltimore County

::::::

ORDER TO ENTER APPEARANCE

Pursuant to the authority contained in Section 524.1 of the Baltimore County

Charter, I hereby enter my appearance in this proceeding. You are requested to notify

me of any hearing date or dates which may be now or hereafter designated therefore,

and of the passage of any preliminary or final Order in connection therewith.

<del>-----</del>------------------\_\_\_\_\_

x 1. Copy of Petition  $\underline{x}$  2. Copy of Description of Property 3. Copy of Certificate of Posting X 4. Copy of Certificates of Publication Copy of Zoning Advisory Committee Consents Copy of Comments from the Director of Planning Planning Board Comments and Accompanying Map Copy of Order to Enter Appearance Copy of Order - Zoning/Deputy Zoning Commissioner Copy of Plat of Property
\*-see Petitioner's exhibit #4 11. 200' Scale Location Plan 12. 1000' Scale Location Plan X\_\_\_13. Memorandum in Support of Petition 14. Letter(s) from Protestant(s) \_\_\_\_ 15. Letter(s) from Petitioner(s) X 16. Protestants' Exhibits 1 to 8 See attached X 17. Petitioners' Exhibits 1 to 8 See attached X 18. Letter of Appeal Attorney for Petitioner Richard A. Reid, Esquire 102 W. Pennsylvania Avenue Towson, Maryland 21204 Petitioner Harold W. Gore 3081 E. Commercial Blvd. Ft. Lauderdale, Florida 33308 Attorney for Protestants Thomas L. Hermssey, Esquire 407 W. Pennsy. ania Avenue Towson, Maryland 21204 Protestant Charles E. Thomas, Jr. 1101 Hart Road Protestant James T. Manning 1111 Hart Road Protestant Lyndon J. Fink 1035 Hart Road Protestant Wayne Skinner 1020 Hart Road Protestant Geneva Mott 1033 Hart Road Protestant Donald P. Skinner 1020 Hart Road Protestant Katie McGonnigal 1022 Hart Road Protestant Ciaro Brown 1008 Hart Road

Case #81-206-XSF

Item No. 167

September 3, 1931 S/c of Harr Rd., 3,456' KE of

Harold W. Gore - Petitioner

Providence Road - 9th Election District

Jim Tapacati

1021 Hart Road Madeline Cooper

1107 Hart Road Randall Mott

1033 Harr Road

Larry Cooper

1107 Hart Road

Fred Mott, Jr.

1033 Hart Road

1022 Hart Road

1025 Hart Road

James E. Dyer

Jean Jung

Frederick C. Back

Norman E. Gerber

Richard F. McGonnigal

IN THE MATTER OF THE APPLI-IN THE CIRCUIT COURT CATION OF HAROLD W. GORE FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING ON PROPERTY FOR BALTIMORE COUNTY LOCATED ON THE SOUTH SIDE OF HART RD., 3,456 FEET NORTH-EAST OF PROVIDENCE RD. AT LAW 9th DISTRICT Zoning Case No. 81-206-XSPH 14/321/82-M-316 debatable.

OPINION

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

This is an appeal from a decision of the County Board of Appeals of Baltimore County concerning the granting of a special exception for a radio studio on the above captioned site.

Jaco Broadcasting of Maryland, Inc. seeks to relocate its studio. In a rather lengthy opinion, the County Board of Appeals reversed the Deputy Zoning Commissioner and granted the special exception for a radio studio on the subject's site.

The case before the Board of Zoning Appeals was heard in two parts, i.e., on March 24, 1982 where 267 pages of testimony were taken and again on June 17, 1982 where an additional 224 pages of testimony were taken.

On June 17, 1983, counsel for the parties were heard in open court. All of the transcript of this testimony having been read by the Court and after reviewing this transcript and randum filed by counsel for the parties in this case, the Court cannot find that the Board was erroneous, arbitrar or capricious

FILED DEC 19 1983

James Hoswell Request Notification John W. Hessian, III, Esquire People's Counsel THE PERSON NAMED IN COLUMN 2 IN PARTY OF THE PARTY OF THE

> in the interpretation and finding of fact and the conclusion from those facts, nor in the application of the law to the facts, as it had before it evidence legally sufficient to support its decision. The Court finds that the issue presented is fairly

Protestant

Protestant

Protestant

Protestant

Protestant

Protestant

protestant

Request Notification

Request Notification

Request Netification

Therefore, the decision of the County Board of Appeals of Baltimore County is AFFIRMED.

December 16, 1983

CASE 1.J. 14/321/82-M-316 RECEIVED FROM THE COUNTY BOARD OF APPEALS
CERTIFIED DOCUMENTS, EXHIBITS, AND BOARD'S ANSWER FILED IN THE ABOVE ENTITLED CASE.

IN THE CIRCUIT COURT IN THE PATTER OF THE APPLICATION OF FOR BALUTADRE COUNTY HAROLD W. COME at law AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE M' .c. < cket No. SOUTH SIDE OF HART ROLD, 3,455 ft. NORTHEAST OF PROVIDENCE ROAD 321 9th District 82-51-316 Zoning File No. 61-206-XCPH

#### PETTICE FOR FRIENDING OF TIME FOR TRANSPIRSION OF RECORD

Now came Fred Mott, Jr., et al, Protestants-Appellants, by their attorneys, Thomas L. Bennessey, P.A. and Thomas L. Mennessey, and respectfully represent unto this Monorable Court:

- 1. That under the Rule of Court, transmission to the Clark of the Court of the original or a certified copy of the record of the proceedings in this matter before the County Poard of Appeals is required within thirty (30) days after receipt of the Petition required pursuant to Maryland Rule B-2. unless the time is extended by the Court.
- 2. That a copy of the record of proceedings in this matter was ordered by the Protestants-Appellants in a timely fashion and the Court reporter informed the Protestants-Appellants that due to the length and expunsiveness of the record that she would be unable to finish and furnish the transcript and that an extension was necessary.
- 3. That your Protestants-Appellants filed a "etition requesting such an extension and on October 29, 1982 the Monorable John E. Raine, Jr. signed an Order extending the time for transmission of the record of the proceedings before the County Board of Appeals in the above encaptioned case so that the record of the proceedings be furnished on or before Docamber 19,
- 4. That the Court reporter has informed the Protestants-Appellants that due to the length and expansiveness in the record in the case and other factors that an additional extension beyond December 19, 1982 the transmission of the record is necessary and has requested that the Protestants-Appellants seek such an extension.

WERRIFORE, the Protestants-Appellants pray that this Honorable Court sign the attached Order granting an extension of time for transmission of the record of the proceedings before the County Board of Agreals in the above-captioned matter for a period of thirty (30) days so that the record is to be furnished on or before January 18, 1983.

TKY AS L. HITELIECHY, P.A.

Trans L. Remessey 407 K. Pennsylvania Avenue 2.0. Dox 5473 Towson, Yazylan 21204 823-7710 Attorneys for Protestants-Appellants

#### POLITS AND AUTHORITIES

Paryland Rule 8-75 ("Upon application of any party, including the agency, and for sufficient cause shown, the Court may direct that the record he transmitted in such shorter or longer time, not exceeding 90 days after receipt of the first copy of a Petition of Appeal, as may be ordered, except that the record need not be transmitted until after disposition of a desaurer or similar plending.")

#### FAIL CEPTIFICATION

I MANUELLY CRITITY, that a copy of the aforegoing Petition For Extension of Time For Transmission of Record, was sailed, postage prepaid, this 15th day of December, 1982, to William D. Hammond, Zoning Commissioner for Baltimore County, County Office Building, Towson, Maryland 21204; Richard A. Feid, Esquire, Attorney for Warold W. Core, Petitioner, Suite 600, 102 West Pennsylvania Avenue, Towson, Maryland 21264, and John W. Messian, Esquire, People's Comsel for Baltimore County, Court House, Towson, Maryland 21204.

omas L. Hennessey, P.A

LAW OFFICES OF HOMAS L. HENNESSEY, P.A.

TOWSON, MD. 21204

Thomas L. Pennessey

IN 'THE CIRCUIT' COURT FOR BALTIMORE COUNTY APPELCARE COURT

#### APPEALS FROM THE COUNTY BOARD OF APPEALS

In the matter of the application BEFORE THE of Harold W. Gore for a special Exception and a special hearing CURNTY BOARD OF APPEALS on property located on the south side of Hart Road, 3,456 feet northeast of Providence Road 9th District. For the County BALTIMORE COUNTY Board of Appeals of Baltimore County No. 81-206-XSPH.

#### NOTICE OF APPLAL

\* \* \* \* \* \* \* \* \* \*

#### MR. CLERK:

Please note an appeal on behalf of the Protestant, Harold W. Core, from the Opinion and Order of the County Board of Appeals of Baltimore County dated September 22, 1982 in the above captioned case, a copy of said Opinion and Order being attached hereto.

> THOMAS L. HENNESSEY, P.A. 407 W. Pennsylvania Avenue P.O. Box 5473 Towson, Maryland 21204 823-7710

> > Attorney for Petitioners

#### MAIL CERTIFICATION

I HL. 3Y CERTIFY that a copy of the aforegoing Notice of Appeal was mailed, postage prepaid, this \_\_\_\_\_\_day of October, 1982 to William T. Hackett, Chairman, Leroy B. Spurrier, and Patricia Phipps, County Board of Appeals, Baltimore County, County Courthouse, 2nd Floor, Towson, Maryland 21204; a copy to William E. Hammond, Zoning Commissioner for Baltimore County, County Office Building, Towson, Maryland 21204; a copy to Richard A. Reid, Esquire, Attorney IOMAS L. HENNESSRY, P.A. for Petitioner, Suite 600, 102 West Penns, Ivania Avenue / Towson, M zyland 21204.

10/29/82 ₿81145H

IN THE MATTER IN THE CIRCUIT COURT OF THE APPLICATION OF HAROLD W. GORE FOR BALTIMORE COUNTY FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING WAL TA ON PROPERTY LOCATED ON THE Misc. Docket No. SOUTH SIDE OF HART ROAD, 3,456 ft. NORTHEAST OF PROVIDENCE ROAD 9th District Folio No. Zoning File No. 81-206-XSPH File No. 82-14-316

#### AMENDMENT OF NOTICE OF APPLAL

#### Mr. Clerk:

Please amend the Notice of Appeal hereinbefore filed on October 19, 1982 as follows:

1. Delete the words in line one "Protestant, Harold W. Gore" and substitute therefor the words "Protestants, Fred Nott, Jr., et al".

### THOMAS L. HENNESSEY, P.A.

Thomas L. Hennessey 407 West Pennsylvania Avenue P. O. Box 5473 Towson, Maryland 21204 Attorneys for Petitioners

#### MAIL CERTIFICATION

I HEREBY CERTITY, that a copy of the aforegoing Amendment of Notice of Appeal was mailed, postage prepaid, this 29th day of October, 1982, to William E. Haumond, Zoning Commissioner for Baltimore County, County Office Building, Towson, Maryland 21204; Richard A. Reid, Esquire, Attorney for Harold W. Gore, Petitioner, Suite 600, 102 West Pennsylvania Avenue, Towson, Maryland 21204, and John W. Hessian, Esquire, People's Counsel for Baltimore County, Court House, Towson, Maryland 21204.

Thomas L. Hennessey

OMAS L. HENNESSEY, F TOWSON, MD. 21204

LAW OFFICES OF

\*\*\*\*\*\*

C.

TLH:ewh #81145H 10/29/82

LAW OFFICES OF

TOWEON, MD. 21204

IN THE MATTER IN THE CIRCUIT COURT OF THE APPLICATION OF HAROLD W. GORE FOR BALTIMORE COUNTY FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING at law ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ROAD, 3,456 ft. Misc. Docket No. NORTHEAST OF PROVIDENCE ROAD 9th District 321 Folio No. Zoning File No. 81-206-XSPH 82-11-316 File No.

### PETITION FOR EXTENSION OF TIME FOR TRANSMISSION OF PECORD

Now come Fred Mott, Jr., et al, Protestants-Appellants, by their attorneys, Thomas L. Hennessey, P.A. and Thomas L. Hennessey, and respectfully represent unto this Honorable Court:

- 1. That under the Rule of Court, transmission to the Clerk of the Court of the original or a certified copy of the record of the proceedings in this matter before the County Board of Appeals is required within thirty (30) days after receipt of the Petition required pursuant to Maryland Rule B-2.
- 2. That a copy of the record of the proceedings in this matter before the Board of Appeals was ordered by the Protestants-Appeallants but that the reporter has informed the Protestants-Appeallants that due to the length of the proceedings in this matter, the transcript to be prepared is quite lengthy and expansive and for this reason, she will be unable to finish and furnish the transcript within the 30-day period as specified by the R les.
- 3. That the reporter has informed the Protestants-Appellants that an extension of thirty (30) days beyond the specified 30-day period would be sufficient to allow her to complete preparation and furnishment of the transcript and the reporter has requested that the Protestants-Appellants seek such an extension.

WHITEFORE, the Protestants-Appellants pray that this Honorable Court sign the attached Order granting an extension of time for transmission of the record of the proceedings before the County Board of Appeals in the abovecaptioned matter for a period of thirty (30) days so that the record is to be furnished on or before December 19, 1982.

## THOMAS L. HAMMESCEY, P.A.

Thomas L. Hennessey 407 West Pennsylvania Avenue P. O. Box 5473 Towson, Maryland 21204 Attorneys for Protestants-Appellants

## POINTS AND AUTHORITIES

Maryland Rule B-7b ("Upon application of any party, including the agency, and for sufficient cause shown, the fourt may direct that the record be transmitted in such shorter or longer time, not exceeding 90 days after receipt of the first copy of a Petition of Appeal, as may be ordered, except that the record need not be transmitted untl after disposition of a demurrer or similar pleading.")

## MAIL CERTIFICATION

I HENCETY CESTIFY, that a copy of the aforegoin; Petition For Extension of Time For Transmission of Record, was mailed, postage prepaid, this 19th day of October, 1982, to William E. Harmond, Zoning Commissioner for Baltimore County, County Office Building, Towson, Maryland 21204; Richard A. Reid, Esquire, Attorney for Harold W. Gore, Petitioner, Suite 600, 102 West Pennsylvania Avenue, Towson, Maryland 21204, and John W. Hessian, Esquire, People's Counsel for Baltimore County, Court Moune, Towson, Maryland 21204.

Thomas L. Hennessey

LAW OFFICES OF MAS L. HENNESSEY, P.A.

IN THE MATTER : IN THE CIRCUIT COURT OF THE APPLICATION OF HAROLD W. GORE FOR BALTIMORE COUNTY FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ROAD, 3,456 ft. Misc. Docket No. NORTHEAST OF PROVIDENCE ROAD 9th District Folio No. Zoning File No. 81-206-XSPH File No. 82-M-316 

## ORDER

Upon consideration of the aforegoing Petition For Extension of Time for Transmission of Record, it is this 31th day of October, 1982, by the Circuit Court for Baltimore County,

ONDERED, that an extension of time be granted for transmission of the record of the proceedings before the County Board of Appeals in the abovecaptioned case so that the record of the proceedings is to be furnished on or before December 19, 1982.

> True Copy Test ELMER H. KAHLINE, JR., Clerk Per Brue Vtal

THERE #8114574 10/23/82

LAW OFFICES OF

HOMAS L. HENNESSEY, P.A. TOWSON, MD. 21204

> IN THE MATTER IN THE CIRCUIT COURT OF THE APPLICATION OF HAROLD W. CORE FOR BALTIMORE COUNTY FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING AT LAV ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ROAD, 3,456 fr. Misc. Docket No. NORTHEAST OF PROVIDENCE ROAD 9th District Folio ib. Zoning File No. 81-206-XSPH File No. 82-14-316

## PETITION IN ACCORDANCE WITH RULE B 2(e)

Now come Fred Mott, Jr., et al. Protestants Appellants, by their attorneys, Thomas L. Hernersey, P.A. and Thomas L. Bennessey, and for reasons Appeal from the Order of the County Board of Appeals the 22nd day of September, 1982 granting a special exception for a radio studio on the subject sire, and

- 1. The Opinion and Order complained of is in regard to a special exception and the findings of the Board are against the testimony since the real relief requested is not for a radio station as provided but shows that over fifty proent (50%) of the area in question is to be for office use.
- 2. The Drard did not properly weight the testimony of the Protestants, one of whom particularly is known to them as an engineer and who testified to safety factors and endorsement of the community due to road width and physical features.
- 3. The Board did not afford the Protestant's testimony, including the motion pictures presented of a trip down Hart Road, as proper weight in its consideration of conjection and erred in its construction of the law.
- 4. The Board erred in its failure to give proper weight to the safety feature demonstrated by the inability of fire apparatus to service the area and the insufficiency of water in the area or the fact that the length of the road is wystast all approved standards for dead-end roads.

5. The Foard erred in its decision that the evidence demonstrated that the Petitioner met his burden as established under all of the requirements of Section 502.1 of the Zoning Code of Baltimore County and ecroneously con-

LIBER5653 PAGES 14 TER TILLE GUARANTES COMPANY (Individual Form) RE: PETITIONS FOR SPECIAL EXCEPTION BEFORE THE trasted the connectial use with special exception to DR I classification as to Without reviewing the evidence further in detail but based upon the AND SPECIAL HEARING App. H- 90394 traffic flow. S/S of Hart Rd., 3,456' NE of Providence: DEPUTY ZONING testimony presented as well as a field inspection of the subject property, it is Rd. - 9th Election District 6. The Poard erred in its acceptance of the defin. Jon of the word This Deed, Made this Harold W. Gore - Petitioner COMMISSIONER the opinion of the Deputy Zoning Commissioner that the requirements of NO. 81-206-XSPH (Item No. 167) "conjestion" as applicable to Section 502.1.b. , in the year one thousend nine hundred and seventy-six Section 502.1 of the Baltimore County Zoning Regulations have not been met party of the first part, Grantor; and HAROLD W. GORE, party of the second part total \*\*\*30050 7. The Board's finding is directly contrary to its Opinion. "Testi-: BALTIMORE COUNTY and the special exception should not be granted. many presented indicates this section to be a County maintained private road. EL 13-76 ZaheckDS \*\*\*156.00 ::: ::: ::: Exhibits presented, however, indicate that it is really more of a country lane Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of 2% 13-76 28450352 \*\*\*195.00 75 13-76 Z446020# \*\*\*\*\*950 than a normal road being very narrow, curving and hilly." Baltimore County, this 16th day of July, 1981, that the herein Petition This matter comes before the Deputy Zoning Commissioner as the 8. And for other and further reasons as may be given at the hearing for Special Exception for a radio studio be and the same is hereby DENIED. result of a Petition for Special Exception for a radio studio and, additionally, of this cause. Eximesself: that in consideration of the sum of Five Dollars, and other valuable considerations, the It is FURTHER ORDERED that, by reason of the denial of the requested a Petition for Special Hearing to amend the site plan filed in Case No. 76-142-X receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey, and assign unto THOMAS L. PENNESSEY, P.A. special exception, the herein Petition for Special Hearing to amend the site to expand the existing operation. The subject property is located on the south-Thomas L. Hennessey plan filed in Case No. 76-142-X to expand the existing operation be and the east side of Hart Road, east of Providence Road and contains 4.39 acres, 407 Wast Pennsylvania Avenue P. O. Box 5473 same is hereby DENIED. more or less. Said property is zoned D.R. I and is presently improved with Towson, Maryland 21204 323-7710 lot(a) of ground Attorneys for Protestants-Appellants a transmitting tower and an accessory transmitter building, which exist as a situate in the Rinth Election District of Baltimore County result of the previously granted special exception (Case No. 76-142-X). The in the State of Maryland, and described as follows, that is to cay: petitioner proposes to construct an extension to the existing building for a MAIL CERTIFICATION radio studio, thereby necessitating an amendment to the original site plan. BEGINNING for the same at a point in or near the center of Eart Road and at the I HERCHY CERTIFY, that a copy of the aforegoing Petition In Accordance beginning of the fifth line of the parcel of land secondly described in a deed dated March 28, 1952 and recorded among the Land Records of Baltimore County in Liber C.L.B. Testimony presented by the petitioner indicated that there would be with Rule B-2(e), was mailed, postage prapaid, this 29th day of October, 1982, No. 2098 folio 501 which was conveyed by George Gans et al to Clarence Goings and wife and thence leaving said road and running with and binding on the fifth and sixth to William E. Hammond, Zoning Commissioner for Baltimore C. unty, County Office lines of said parcel of land the two following courses and distances viz: south 45 deseven full-time and two part-time employees and possibly some additional grees 09 minutes east 16.50 feet to a concrete monument and south 45 degrees 09 minutes east 224.27 feet to a concrete summent new set to replace an old iron pipe heretofore Building, Towson, Maryland 21204; Richard A. Reid, Esquire, Accorney for Marold broadcasters for live shows. set at the end of said sixth line and in the first line of the parcel of land firstly described in the aforesaid deed from Gans to Coings, thence binding reversely on a part W. Gora, Petitioner, Suite 600, 102 West Pennsylvania Avenue, Towson, Maryland Protestants appearing at the hearing predicated their opposition upon the of said first line south 38 degrees 42 minutes 30 seconds west 157.91 feet to a stone heretofore set at the beginning of said firstly described percel of land, thence bind-21204, and John W. Hessian, Esquire, Poople's Counsel for Baltimore County, ing reversely on the last and second lines of said last mentioned parcel of land the expansion of the operation, which will compound an already difficult traffic two following courses and distances viz: north 61 degrees 13 minutes 30 seconds east Court House, Towson, Maryland 21204. 757.09 feet to a concrete monument and north 45 degrees 09 minutes west 345.55 feet Esituation. Hart Road, in both the section adjacent to Providence Road as well to the beginning of the parcel of land secondly described in the aforesaid deed from Cans to Goings, thence running with and binding on the first line of said last mention-FOR ed parcel of land north 45 degrees 09 minutes west 73.17 feet to a point in or near the as the section east of Denby Road, is a narrow, winding street and has no Thomas L. Hennessey center of Hart Road and thence running with and binding on the second, third and fourth I nes of the parcel of land secondly described in the aforesaid deed and binding in said -Hart Road, the three following courses and distances viz: south 41 degrees 35 minutes sidewalks, curbs, or gutters. Visibility is poor in certain areas due to envest 214.89 feet, south 37 degrees 31 minutes west 189.75 feet and south 72 degrees 55 minutes west 188.83 feet to the place of beginning. Ecroaching natural growth. In other areas, the road is only one lane wide and Containing 4.39 acres of land more or less. RE evehicles cannot pass side by side. Fire emergency vehicles have had difficulty Being all of the first and second parcels of land which by a deed dated April 4, 30ER 1973 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. traversing Hart Road in the past, and the road is used by pedestrians, bikers, 5352 folio 196 which was conveyed by LeRoy Y. Haile, Personal Representative, to horseback riders, and school buses. Protestants also cited the existence of Together with the right and use thereof in common with others entitled thereto of Rart Road which leads from the herein described parcel of land in a westerly direction a sign, "Warning, Danger, High Voltage Area ...", on the site. Subject to the existing macedam drive which is located near the northernmost corner of the herein described parcel of land, which drive leads in a southwesterly ±201,2≈ 13 \_\_\_\_ 3/4/81 FIBER 5653 PAGE 836 LIBER 5653 PAGE 835 Together with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privi-CLASS OF A STATE OF A 200 CHAP ASSOCIATION leges, apportenances and advantages to the same belonging or in anywise appertaining. the transmitter, tower and studio of WLIF. The use sought direction from the property of Robert W. Sudbrink (upon which property the building MEMORANDUM IN SUPPORT OF for Radio Station WLIP is erected) to the Hart Road. -PETITION FOR SPECIAL EXCEPTION herein is then in harmony with similar uses in the neighborhood To have and is hold the said described lot(s) of ground and premises, unto and to the use of the said FOR RADIO STUDIO AND PETITION FOR SPECIAL HEARING, CONCERNING AMENDMENT and should be granted. Grantee, his heirs and assigns, in fee simple. かんりょえり 一般 海がかり TO CASE NO. 76-142X The later of the second of the control of the second of th And the said Grantor covenants to warrant specially the property hereby granted and conveyed, and to Jaco Broadcasting of Maryland, Inc. and Jaco Broadcasting execute such further assurances of said land as may be requisite. 경험(함투) 이 이 이 사용하다 이상 병기를 가셨다고요? 아이아 of Toledo, Inc. (hereinafter referred to collectively as "Jaco") into the second contract of the second contra Suite 600 Francisco di estato di composito di la profesione di constitucione di profesione di constitucione di constit Whenever used, the singular number shall include the plural, the plural the singular, and the use of any operate and broadcast through station WTOW in Towson. The 102 W. Pennsylvania Avenue Towson, Marvland 21204 gender shall be applicable to all genders. studio is currently located in the Dulaney Valley Shopping 823-1800 Center and the transmitter and tower are located on the subject Attorney for Petitioner Witness the hand(s) and seal(s) of the said grantor(s): property on Hart Road, which Jaco leases from Harold W. Gore.  $\frac{1}{2}$ Jaco now desires to move its studio from the Dulaney Valley Shopping Center to the subject site. The studio will be housed in the residential structure shown on Exhibit 1 attached hereto. The residential structure will abut the existing transmitter to which it will be connected by interior doors, ្ត្រី ខ្លាំ ស្ត្រីក្រុម មន្ត្រីប្រជាពលរបស់ ស្ត្រី ប្រធានរបស់ ស្ត្រីការប្រជាពលរបស់ គ្នា ខ្លាំ បញ្ចប់ គ្នា កែមក បានស្ត្រី ស្ត្រីស្ត្រីស្ត្រី ស្ត្រី ស្ត្ be located in front of the transmitter and screen the view of 7 % 1 % # \$ 1 A 1 A 21 8 15 2 2 3 1 Az STATE OF PLORIDA. the transmitter from Hart Road. CONCENTRATION. It is anticipated that seven full time people will be I HEREBY CERTIFY, that on this 7 Th day of before me, a Notary Public of the State sforessid, personally appeared ROBERT W. SUDDRINK, the within employed at the studio. There is ample parking provided to accommodate these employees. It is not anticipated that the known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purstudio will generate anything but rare and incidental business poses therein contained traffic so that, in reality, the only addition to traffic on WITSESS my hand and Notarial Seal. Hart Road will be by the employees going to and from work and will be staggered since such employees work different hours Recent for record JUL 13 1976 at /// w Per Elmer H. Kahline Jre Clark Wall to BETTE GUARANTEE COMPANY MOTARY PUBLIC STATE OF PEOPLES AT EASOR between 6:00 a.m. and 8:30 p.m. Accordingly, the granting of MY COMMISSION EXPIRES SEP. 8. 1978 BONDED THEU CHAPTER PROPERTIES Receipt No. 32.50 the special exception will not tend to create a traffic hazard or excessive traffic congestion.

> ROYSTON. MUELLER, McLean & Reid

> > SUITE 600

102 W. PENNA, AVE.

TOWSON, MD. 21204

523-1800

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O

TOWSON, MD. 21204

WITNESS:

ومنسور بسيي

MOLEAN & REID TOWSON, Mb. . 1204

ROYSTON, GUELLER,

PUISE ON

10" W. PENNA, AVE

323-1800

The property upon which the existing transmitter and tower

are located is adjacent to the property upon which is located

The transmitter and tower were the subject of Zoning

Case No. 76-142X.

F 1 7 75%

The Circuit Court for Baltimore County

CNAMBERS OF WILLIAM R. HUCHANAN, SR.

TOWSON, MARYLAND 21204

COUNTY COURTS BUILDING

December 16, 1983

Thomas L. Hennessey, Esquire 407 W. Pennsylvania Avenue P. O. Box 5473 Towson, Maryland 21204

Richard A. Reid, Esquire Suite 600 102 W. Pennsylvania Avenue Towson, Maryland 21204

> Re: In the Matter of the Application of Harold W. Gore for a Special Exception and a Special Hearing on Property Located on the South Side of Hart Rd., 3,456 feet Northeast of Providence Rd. 9th District Zoning Case No. 81-206-XSPH

> > In the Circuit Court for Baltimore County #14/321/82-M-316

Dear Messrs. Hennessey and Reid:

Enclosed please find my Opinion in the above captioned case.

Very truly yours

WRB, Sr.: bas Enclosure

the radius created by the guy wire anchors. From that Order the Protestants

The appeal is based on the failure of the administrative hearing tribunal to recognize the facts through the evidence and exhibits presented and apply them to existing parameters set out in the Baltimore County Zoning Regulations as follows:

> 502.1 - Before any Special Exception, the Zoning Commissioner and the Board of Zoning Appeals, upon appeal, shall be governed by the following principles and conditions. (B.C.Z.R., 1955.)

a. Be detrimental to the health, safety, or general welfare of the locality involved; (B.C.Z.R., 1955.)

b. Tend to create congestion in roads, streets or alleys therein: (B.C.Z.R., 1955.)

c. Create a potential hazard from fire, panic or other dangers; (B.C.Z.F., 1955.)

d. Tend to overcrowd land and cause undue concentration of population; (B.C.Z.R., 1955.)

e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements; (B.C.Z.R., 1955.)

f. Interfere with adequate light and air. (B.C.Z.R.,

The appeal is also based on the fact that the special exception as applied for is actually for an office use which is prohibited in the zone where a studio as applied for (only part of the use contemplated) would be permitted, the property being in a D R zone which permits by special exception Use No. 15 Radio Studios and special exception Use No. 20 wireless transmitting and receiving

It is well to note that any definition of studio does not include office use.

The definition of studios as requested in the Application as defined in Webster's New Collegiate Dictionary, 1980, is as follows:

studio n, pl -dios(It, lit., study, fr. L studium) l a: the working place of a painter, sculptor, or photographer b: a

place for the study of an art (as dancing, singing or acting) 2: a place where motion pictures are made 3: a place maintained and equipped for the transmission of radio or television programs

WSON, MD. 21204

AW OFFICES OF

S.L. HENNESSEY, P.A

14

Superseded by County Board of Appeals -- see note 1, Section 401.

CIRCUIT COURT FOR BALTIMORE COUNTY

GASE NO.\_\_ 82-316

Extension of Time for Transmission of Record & Dismise Appeal fd.

(16) Feb. 18, 1983 - Petitioner ( Harold W. Core) Memorandum of Las fd.

(14) Jan. 31, 1983 Correspondence to Judge Dellaters fd.

(18) April 26, 1983 - Appellee's Memorandum fd.

Baltimore County is Affirmed i. (WRB)

(19) May 9, 1983 - Appellant's Reply Memorandum fd.

(13) Jan. 51, 1933 Petitioner's Supplemental Statement of Points & Authorities fd.

June 17, 1983 Hon. William R. Buchanan, Sr. Hearing had. Opinion Held Sub-curia.

(15) Jan. 51, 1983 Order of Court that Motion for Extension of Time Denied Md. (EAD) order

(17) Feb. 22, 1983 - Petitioner-Appellee's (Harold W.Gore) Answer to Petition for Appeal 2d.

(20) Dec. 19. 1983 Opinion & Order of Court that the decision of the County Board of Appeals of

DOCKET 14 PAGE 321 CASE NO. 62-M-321 ADVANCE COSTS IN THE MATTER OF THE APPLICATION OF Richard A. Reid HAROLD W. CORE FOR A SPECIAL EXCEPTION AND Sta. 600 Pltff's Atty \_\_\_\_\_5.00 A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART RD., 3,856 FEET NORTH-102 W. Penna. Ave. (04) 823-1800 EAST OF PROVIDENCE RD. 9th DISTRICT. FOR THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY NO. 81-206-XSPH Sheriff Petitioner FRED MOTT, JR. Thomas L. Hennessey Protestant -Appellant 407 W. Penna. Ave. P.O. Box 5473 (04) 823-7710 Paid /0/19/52 Per 1 Receipt No. 1015 17 ADDITIONAL COSTS Defdt's Attv COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

(1) Oct. 19, 1982 - Appellant's Order for Appeal from the Opinion and Order of the County Board of Appeals of Baltimore County fd.

(2) Oct. 21. 1982 - Certificate of Notice fd.

(3) Oct. 29. 1982 - Appellant's Amendment of Notice of Appeal fd.

(4) Oct. 29, 1982 Protestant-Appellants' Petition for Extension of Time for Transmission of Record, Points & Authorities & Order of Court granting same fd. (JER)

(5) Oct. 29, 1982 - Petition in Accordance with Rule B 2(e) fd.

(6) Nov. 3, 1982 - App. of Richard A. Reid for Petitioner and Same Day Motion to Dismiss Appeal and Request for Hearing fd.

(7) Dec. 15, 1982 Protestants-Appellants' Petition for Extension of Time for Transmission of Record', Points & Authorities & Order of Court granting same fd. (FAD)

(8) Dec. 21, 1982 - Petitioner'a (Harold W. Gore) Motion to Strike Extension of time for transmission of Record and Dismiss Appeal and Request for Fearing fd.

JAN 13 1989 SECTION TOTAL

(9) Jan. 18, 1983 - Transcript of Record fd.

(10) Jan. 18, 1983 - Notice of Filing of Record fd.

(11) Jan. 21, 1983 - Appellants' (Fred Mott, Jr.) Answer to Motion to Dismiss Appeal fd.

Jan. 24, 1983 Hon. Edward A. DeWaters, Jr. Hearing had. Ruling held sub-curia.

(OVER)

DOCKET\_14  $_{PAGE}$  321 $_{c_{4}}$ 82 - M - 316

THE COUNTY BOARD OF APPEALS OF BALTIMON COUNTY FRRED BY FAILING TO RECOGNIZE THAT THE USE REQUESTED WAS FOR OFFICES WITH A LESS THAN 50% USE AS RADIO STUDIO

WHICH IS PROHIBITED IN A D R 1 ZONE

Second day testimony, page 219 and 220.

In the presentation of the matter, Mr. Jerome Lamprecht testified that the use was to be a combination of offices and studio the same as is currently used on Dulaney Valley Road (their present location) but that the office space would be increased.

First day testimony, page 27, 28, 29, 30.

Mr. Lamprecht also used to show the size of the office and studio structure Exhibit 1 (page 29) the Magothy by Gibralter Industries and showed the commercial aspect of the venture, page 30 and 31, and stated that actually no real study had been dopte as to how the building would be used in connection with the existing structure, page 32, line 4 to line 10, page 53 line 7 through

The testimony is clear and uncontradicted that 50% or over of space use is required for office and that studio does not contemplate office use.

The main reason for zoning is the orderly use of land for the general public good not to permit subterfuge for the rights of the view. There is no zoning of the land in question here that would permit office use and the Board failed to perform its mandated function by rejecting an explained office use in a residential D R l zone being fully informed that the office use by size and function was the main reason for the application since the offices are currently cramped. "Well, we are very cramped where we are. The individual offices will be larger." Page 28, line 11 through 14.

The witness Erdman, who was called on by the radio station, stated he had been to the current offices on Dulaney Valley Road. He related that it is AD L. HENNESSEY, P.A. | mostly office and said "I feel that the additional traffic that would result from the development of this site with a studio on it is a very small amount of traffic in the context of the current use of the road... First day, page 130, line 20 and 21, page 131, line 1 through 4, but he later characterized the project by stating" I apparently misstated it when I said studio. I was talk-

ing in terms of the facility that is proposed for the site. It includes the office." First day, page 132, lines 15 through 17. This was in reply to a question concerning the studio which he described as a very minimal part of what he observed. Mr. Erdman described the fact that the proposed use was mostly office in his testimony on first day, page 131, line 15 through 21 and page 132 lines 1 through 21.

\_\_ (12) Jan. 31, 1983 Protestant's Answer to Motion to Strike

THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY ERRED AND WAS ARBITRARY AND CAPRICIOUS IN ITS FINDINGS THAT THE HURDEN UNDER SECTION 502.1 SECTION A FROM TESTIMONY AND EXHIBITS HAD BEEN MET.

The County Board stated that the building proposed is an attractive structure and the use proposed is not offensive, not producing any significant noise, dust or odors but the section states:

appear that the use for which the special exception is requested will not (a) be detrimental to the health, safety or general welfare of the locality involved."

"Before any special exception shall be granted, it must

The Board, in arriving at its decision, recognized the nature of the area when

"Testimony presented indicates this Section to be a County maintained private road. Exhibits presented, however, indicate that it is really more of a country lane than a normal road, being very narrow, curving and

Somehow they ignored all of the testimony and exhibits on safety that show their decision to be in error.

The Board saw movies of a ride down Hart Road by Ann Philip Edward Cvach which were a sound film which showed all of the safety hazards of going to and from the site. Exhibits 5 and 6, first day page 266.

Mr. Cvach also testified to the safety hazard and that any increase of use, particularly commercial, would create a traffic hazard as well as existing hazard for fire trucks to pass into the area. First day, page 200, 201, 202.

Mrs. Houck explained to the Board of how the special exception would |be detrimental to safety, first day, page 220, line 11 through 19, and spoke of the high voltage sign on the property in question, first day, page 222 line 16

IN THE MAL ZR

OF THE APPLICATION OF

IN THE CIRCUIT O. \*

HAROLD W. CORE FOR BALTIMOT CONT. FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ROAD, 3,456 ft. Misc. Docket No. NORTHEAST OF PROVIDENCE ROAD 9th District Folio No.

Zoning File No. 81-206-XSPH File No. 

MEMORANDUM OF LAW

The Petitioner, Harold W. Gore, had filed with the Zoning Commissioner of Baltimore County a Petition For Special Exception For A Radio Studio and a Petition For Special Hearing concerning an amendment to Case No. 76-142X for property on the South side of Hart Road, 3,456 feet East of Providence Road in the Ninth Election District of Baltimore County, it being the intention of Jaco Broadcasting of Maryland, Inc. and Jaco Broadcasting of Toledo, Inc. who were operating and broadcasting through station WIOW in Towson, Maryland to remove its studio from Dulaney Valley Shopping Center to the location of is transmitter and tower as located on Hart Road on property leased from Harold W. Gore. The transmitter and tower were subject to Zoning Case No. 76-142X and an amendment is required from the site plan filed in Case No. 76-142X to expand the existing operation granted under that Special Exception. The matter was heard before the Deputy Zoning Commissioner of Baltimore County who, on the 16th day of July, 1981, denied the Petition for the Special Exception for radio studio and by reason of that denial, denied the Petition For Special Hearing to amend the site plan in Case No. 76-142X. From that denial by the Deputy Zoning Commissioner, Jean M. H. Jung, in Case No. 81-206-XSPH the matter was appealed to the County Board of Appeals and same was presented for testimony on two days, being March 24 and June 17, 1982. From that hearing the Board of Appeals passed its Order on the 22nd day of September, 1982 reversing the Deputy Zoning Commissioner of Baltimore County and approved the Special Exception for radio studio and further ordered that an amended site plan be submitted showing the entrance, parking area and radio studio building to be located safely outside

LAW OFFICES OF

A. L HENNESSEY, P.A

through 21, page 223, line 1 through 5, and of the absence of sidewalks, page 226, line 6 through 11.

Jomes T. Manning testified as to safety and the impossibility to pass cars going in opposite directions without backing up. See pages 229, 230, first day, including cars and police cars and fire engines. Mr. Manning also spoke of personal experience and the road contour including obstructed view, pages 234, 235, 236, 237. Mr. Manning also noted the office use as affecting safety, first day, page 239, line 3 through 16.

Donald Paul Skinner showed the problem of safety in regard to the insufficient water in the area and past fire and threat of reduced water by the use of special exception. Pages 240 to 242.

John Hissey, a resident, testified as to safety.

The radio station's expert, Mr. Erdman, spoke of the road and pointed out the safety problems in using the road, first day, page 128, line 11 to 21, page 129, 1 through 21, page 130, line 1 through 9.

Fred E. Mott showed through testimony and Exhibits the safety hazard of traveling Hart Road. There was shown to the Board Protestant's Exhibit 16, A through J, 17 and 18 A through G, as well as Exhbit 2. He showed the road to be unsafe due to its width and particularly thirteen (13) feet wide at one point. Second day, page 122 line 7 through 16, and twelve (12) feet at another, page 124, line 7 through 9.

was ignored. Catherine McGonnigal, page 255, first day. Lyndon Fink, 2nd day, page 62.

Other witnesses testifed as to the safety problem but their testimony

The Board was clearly shown the safety problem with the increase to the area by the special exception and the density uses connected with it.

The Board did not actually treat with the safety problem but chose to confuse it with traffic and congestion under another parameter.

III

LAW OFFICES OF AS L. HENNESSEY, P.A. OWSON, MD. 21204

THE COUNTY BOARD OF APPEALS ERRED AND WAS ARRITRARY AND CAPRICIOUS IN ITS CREATE CONCESTION IN ROADS, STREETS OR ALLEY THEREIN" AND THAT THAT REQUIREMENT HAD BEEN MET.

and collapse (Thomas and Manning), personal injury hazard (Thomas, Manning, safety, health and good morals of the people." (See The Board chose to ignore the testimony of Fred E. Mott, Jr. and (10) site plan change requires use of land not owned by applicant also Am. Jur. Constitutional Law, Section 274.) for road widening. Etzel page 88 line 18 through 20. Etzel Houck, Mott), fire protection (Skinner and Edsel), danger at Providence and Philip Edward Cvach who had testified to the present read conditions being page 89, 1 through 21, page 90, 1 through 4 It is obvious that "tend to create congestion" does not mean overburdened NOW Hart Roads (Hissey), should have placed the Board in a position of denial that impossible and had supported their testimony with Exhibits of moving pictures, and the Board's Opinion is in error. was conclusive from the testimony and showed disregard for the obvious. Needzoning maps and drawings. See Protestants' Exhibits 1 through 6 and 16 (A THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY WAS ARBITRARY AND CAPRICIOUS As far back as 1961 in the case of Waldo Wilson at the suit of City of less to say, the experts Etzel and Erdman in their state onts proved that the through J) through 18 (A through G). Mr. Mott testified, seconce day pages 106 AND ERRED IN ITS FINDINGS THAT THE PETITIONER MET HIS BURDEN UNDER SECTION Muskegon Heights, 109 Northwestern Reporter, 2nd Series, page 768, the proposisite plan was improper (use land of other), that the road was congested to 157, and second day, pages 171 to 174, and Mr. Cvach testimony r `ative to 502.1 C, D, E and F OF THE BALTIMORE COUNTY ZONING REGULATIONS tion of a commercial radio station in a residential zone was explored and it The Board in its Opinion stated that the burden had been met for congestion, first day pages 187-191, the film narrative. was found that it should be under control of the local government not as a The i and's position is apparently that unless one more can will not Mr. Charles Edgar Thomas testified, second day page 81 through 86, and Section 502.1 C, D, E and F and in arriving at same ignored the testimony and matter of right but as of exception or privilege. fit on the road, that it is not congested when it was obvious that the addition introduced his hand drawn exhibits, 2 pages Exhibit 15 (Protestant, showing exhibits of the Protestants in regard to fire, panic and other dangers, over-Some jurisdictions find a commercial radio station not compatible with of traffic for the special use of the combination office and radio station crowding of land and interference with adequate light and air. traffic congestion at Hart and Providence Road). residences. See Zoning Law and Practice by Yokely, Special Subject of Zoning, would be special as to the land use and violate the guidelines of Special The Board in its Opinion relied on the American Law of Zoning, 2nd The testimony produced by the Petitioner Gore showed no sewer and Section 35-54, page 136. Exception mandate contained in the Regulations. water in the area; that they intended to use well and septic tank but no test Edition, Scc. 19.21, page 433. The New York case of Presnell v. Leslie, 144 NE 2d 381, draws the had been made as to the use or availability and that as the Witness Etzel said "Evidence of probable traffic congestion is insufficient classic distinction on zoning ordinance as not being confiscatory in relationto support a denial of permit if it shows only an concerning fire and fire hydrants "The Fire Department can take care of that", increase which is insubstantial on traffic conditions CONCLUSION ship to a radio studio and tower and would indicate that the site plan should which are not abnormal." The Special Exception is a creature of invention to protect existing first day, page 99, line 11. See also page 99, line 1 through 12, page 98, not be automatically approved with minor change and to consider a tower as an The Board defined congestion as to fill to excess or overburden. zones and insure compatability of uses within the zone. The reason for special line 15 and 16, page 71 line 1 through 20. accessory use residentially would be improper. This case is illustrative of These two situations relied upon are directly contrary to the testihearing is to permit the use of the Zone and in this case it is agreed as to Ar. Charles Edgar Thomas testified and introduced Petiioners' Exhibits zoning control in a residential neighborhood. mony, facts and exhibits for they show the following: its being D R 1 or one (1) house per acre, the controlling Regulation is the 7 through 14 showing how the land was tending to be overcrowded; the towers and The office permission is against the Zoning Regulations of Baltimore (1) an unsafe road Raltimore County Zoning Regulations and the test is set out for permitted thier collapse, the past failure to limit operation by special exception and County and is not a permitted use in D R 1 even with a Special Exception and (2) the addition of traffic increasing the overburdened Spc. ial Exceptions as enumerated and contained in Section 502.1, sections a special requirement thereon, second day, page 3 through 14, he showed that the Board's failure to recognize the real use as given in testimony by the thru f. These tests are believed to now be controlled by the language of situation of the adjacent station and ownership of the land, the divestures of (3) abnormal traffic conditions in an inability for cars to pass. Petitioner through Lamprecht, Etzel and Erdman is not only error but makes the Schuitz v. Pritts, 291 Md, p. 1 et seq, a 1981 case, which rejects the standard same to others and repeated request to enlarge and crowd the site, page 13, 14, (4) no sidewalks (abnormal residential) finding arbitrary and capricious. of Gowl v. Atlantic Richfield Co., 27 Md App p 410, a 1975 case. The arguments 15, and related to his personal danger from traffic from the site, page 21, (5) culverts along the road In the dissenting opinion in Schultz v. Pritts aforesetout, Judge line 6 to 18. Mr. Thomas demonstrated past situation with Zoning, Exhibit 9, in Schultz v. Pritts aforementioned are not in point with this matter. The (6) blocked vision Smith states his belief that the rule of Gowl v. Atlantic Richfield Co. also final language and indicate that the adverse effect created by the Special and showed the collapse of radio tower. Pages 46, 47, 48, 49. (7) accidents due to configuration aforesetout, is the proper test (page 27). He relies on those cases known to Exception is to be considered and at page 21 of the Opinion shows the status of Mrs. Lyndon Fink testified as to the increased traffic, page 64, and (8) inability of fire engine to get to site all, Turner v. Hammond, 270 Md 41 and Rockville Fuel v. Board of Appeals, 257 special exception. See Article 66B, Section 4.03. See Patrick J. Rohan Zoning (9) this is a further special exception since tower and transthe accident on the road to her son's friend, page 63, line 6 through 9. mitter on site and Land Use Controls, Section 34.02, "the public safety (and other) aspects of The cumulative testimony of Philip Edward Cvach, Arlene Houck, Joseph It would appear as though somewhere the real deciding factors should LAW OFFICES OF general welfare are promoted when traffic congestion is lessened". T. Manning, Donald Paul Skinner, John Hissey, Catherine McGonnigal (first day, not be lost in rhetoric but founded on common sense based on testimony, exhibit AS L. HENNESSEY, P.A. OWSON, MD. 21204 See also Robert M. Anderson, American Law of Zoning under Special OWSON, MD. 21204 WEON, MD. 21204 page 256 to page 260), Charles Edgar Thoms, Jr., Lyndon Fink and Fred E. Mott, Permits, Section 19.20 Public Safety and Section 19.21 Traffic Congestion. ||Jr. carried with it the support of exhibits which gave the history of the The Board admits its errors but finds against it. The Opinion does Anderson does also define the term General Welfare as follows: property (Thomas), the road hazard to safety and general welfare relative to "The General Welfare is the general term often panic, fire and other danger (Cvach, Mott, Thomas), showed the height of tower employed in connection with protection of the peace, BEFORE THE COUNTY BOARD OF APPEALS BEFORE THE COUNTY BOARD OF APPEALS BEFORE THE COUNTY BOARD OF APPEALS "indicate that it (road) is really more of a country lane than a narrow road, being narrow, curving and HAROLD H. GORE HAROLD W. GO'E HAROLD W. GORE E/s Hart Road, 3,456' of Providence The case of Heath v. Mayor and City Council of Baltimore, 197 Md 296, S/s Hart Fuad, 3,456' of Providence S/s Hart Road, 3,456' of Providence Road, 9th District Road, 9th District SE-Radio Studio states that is arbitrary and capricious to make an essential finding without 9th District SE-Radio Studio CASE NO. 81-206-XSPH SE-Radio Studio SPH - Amendment to site plan supporting evidence. SPH-Amendment to site plan SPH-Amendment to site plan CASE NO. 81-206-XSPH 7/16/81 - DZC DENIED special excep-The Board weight, if any, to Erdman testimony for the Petitioner is 7/16/81 - DZC DENIED special excep-7/16/81 - DZC DENIED special exception and special hearing tion and special hearing tion and special hearing unfounded as his study compared different sites, different areas (industrial and residential), improper road count at the end of a dead end road. Page 136, ::::::::: : : : : : : : : . . . . . . . . . 1 1 1 1 1 1 1 1 1 1 SUBPOENA DUCES TECUM PURSUANT TO RULES OF PROCEDURE 139, 140, 141. SUBPOENA DUCTS TECUM PURSUANT TO RULES OF PROCEDURE SUBPOENA DUCES TECUM PURSUANT TO RULES OF PROCEDURE FOR BALTIMORE COUNTY BOARD OF APPEALS, RULE 5% and 5B FOR BALTIMORE COUNTY BOARD OF APPEALS, RULE 5A and 5B FOR BALTIMORE COUNTY BOARD OF APPEALS, RULE 5A and 5B For the aforegoing reasons the Board should be found to have acted TO: County Board of Appeals To: County Board of Appeals To: County Board of Appeals c/o Ms. Edith T. Eisenhart, Administrative Secretary without foundation, in error and in an arbitrary and capricious manner. c/o Ms. Edith T. Eisenhart, Administrative Secretary c/o Ms. Edith T. Eisenhart, Administrative Secretary Room 219, Court House Room 219, Court House Room 219, Court House Towson, Maryland 21204 Respectfully submitted, Towson, Maryland 21204 Towson, Maryland 21204 Please issue a Subpoena Duces Tecum as captioned above to the Super-THOMAS L. HENNESSEY, B.A. Please issue a Subpoena Duces Tecum as captioned above to Mr. Robert Please issue a Subpoena Duces Tecum as captioned above to Mr. C. isor of Record, Baltimore County Police Department, Kenilworth Drive, Towson, A. Morton, P.E., Chief, Bureau of Public Services, or his designated agent, Richard Moore, Assistant Traffic Engineer, Baltimore County, Maryland, County Thomas L. Hennessey Maryland 21204, and instruct him to bring with him the report and pictures 407 West Pennsylvania Avenue Courts Building, 401 Bosley Avenue, Towson, Maryland 21204, and instruct him to produce before the Board the file for Public Works Agreement, Project P. O. Box 5473 relative to a motor vehicle accident at Hart Road and Denby Road on July 22, Towson, Maryland 21204 to bring with him the area traffic maps as compiled for Baltimore County in Belvedere Baptist Church, Hart & Cheverly Roads, Project No. 7027, District 823-7710 1981, being Report No. 3117553, involving a police car and the motor vehicle Attorneys for Protestants-Appellants regard to the 9th District, and specifically Hart Road from its intersection 9-C4, and to include with the file all traffic comments and plats as well as driven by Brian Keith Lippy. The reason for the request is in regard to the with Providence Road to its terminus; and also the traffic studies for Provia letter of June 3, 1977, to the Belvedere Baptist Church, the highway comments production of evidence in connection with the Protestants' case as to traffic in the subdivision review of February 25, 1977 as to Hart Road and Cheverly dence Road from the Beltway Northerly encompassing the intersection of Provicongestion and other factors in connection with Zoning Rule 502. Please make MAIL CERTIFICATION dence Road and Hart Road. The reason for the request is in regard to the Road, the subdivision review comments from the Department of Traffic filed the same returnable to the County Board of Appeals, Room 219, Court House, I HEREBY CERTIFY, that a copy of the aforegoing Memorandum of Law, was production of evidence in connection with the Protestants' case as to traffic by Mr. C. Richard Moore, Assistant Traffic Engineer, as to Hart Road and mailed, postage prepaid, this 100 day of February, 1982, to Board of Appeals, Towson, Maryland 21204, on Wednesday, March 24, 1982, at 10 a.m. Providence Road. The reason for the request is in regard to the production congestion and other factors in connection with Zoning Rule 502. Please make Court House, Towson, Maryland 21204; Richard A. Reid, Esquire, Attorney for of evidence in connection with the Protestants' case as to traffic congestion the same returnable to the County Board of Appeals, Koom 219, Court House, Harold W. Gore, Petitioner, Suite 600, 102 West Pennsylvania Avenue, Towson, and other factors in connection with Zoning Rule 502. Please make the same Towson, Paryland 21204, on Wednesday, March 24, 1982, at 10 a.m. Maryland 21204, and John W. Hessian, Esquire, People's Counsel for Baltimore returnable to the County Board of Appeals, Room 219, Court House, Towson, THOMAS L., HENNESSEY, P.A. County, Court House, Towson, Maryland 21204. Maryland 21204, on Wednesday, March 24, 1982, at 10 a.m. By: Thomas L. Hennessey THOMAS L. HENNESSEY, P.A. Thomas L. Hennessey 407 West Pennsylvania Avenue LAW OFFICES OF P.O. Box 5473 LAW OFFICER OF OMAR L. HENNESSEY, 🔧 LAW OFFICES OF Towson, Maryland 21204 CHAS L. HENNESSEY, P. Towson, Mo. 84804 46 L. HENNESSEY, P.A. Thomas L. Hennessey Phone: 823-7710 Тоизон, Мо. 21204 Mr. Sheriff: 3450K, MD. 21204 Attorney for the Protestants 407 West Pennsylvania Avenue P.O. Box 5473 Towson, Maryland 21204 Please serve the above summors Phone: 823-7710 Attorney for the Protestants Please serve the above summons Edith T. Elsanhort, Adm. Secretory County Board of Appeals of Baltimore Count Edith T. Sisenhart, Adm. Secretary County Board of Appeals of Baltimore County Mr. Sheriffs Please serve the above summon Holmen, Boosd of Appeals

Name of the last

CASE NO. 81-206-XSPH

THOMAS L, HENNESSEY, P.A.

407 West Permsylvania Avenue

Attorney for the Protestants

Towson, Maryland 21204

By: TUMPONO! Thomas L. Hennessey

P.O. Box 5473

Phone: 823-7710

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#### BEFORE THE COUNTY DOAPD OF APPEALS

HAROLD W. CORE S/s Hart Road, 3,456' of Providence Road, 9th District SE-Radio Studio CASE NO 81-206-XSPH SPH-Americanent to site plan 7/16/81 - DZC DENIED special exception and special hearing

#### SUBPOENA DUCES TECUM PURSUANT TO RULES OF PROCEDURE FOR BALITIMORE COUNTY BOARD OF APPEALS, RULE 5A and 5B

To: County Board of Appeals c/o Ms. Edith T. Eisenhart, Administrative Secretary Room 219, Court House Towson, Maryland 21204

Please issue a Subpoena Duces Tecum as captioned above to Mr. C. Richard Moore, Assistant Traffic Engineer, Baltimore County, Maryland, County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204, and instruct him to bring with him the area traffic maps as compiled for Baltimore County in regard to the 9th District, and specifically Hart Road from its intersection with Providence Road to its terminus; and also the traffic studies for Providence Road from the Beltway Northerly encompassing the intersection of Providence Road and Hart Road. The reason for the request is in regard to the production of evidence in connection with the Protestants' case as to traffic congestion and other factors in connection with Zoning Rule 502. Please make the same returnable to the County Board of Appeals, Room 219, Court House, Towson, Maryland 21204, on Wednesday, March 24, 1982, at 10 a.m.

> THOMAS L. HENNESSEY, P.A. Thomas L Hennessey 407 West Pennsylvania Avenue P.O. Box 5473 Towson, Maryland 21204 Phone: 823-7710 Attorney for the Protestants

Mr. Sheriff:

LAW OFFICES OF

HAS L. HENNESSEY, E.S.

TOWSON, NO. 21204

Same and

Edith T. Eisenhart, Adm. Secretary County Board of Appeals of Baltimore County

IN THE MATTER OF THE APPLICATION OF HAROLD W. GORE FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ROAD, 3,456 FT. : NORTHEAST OF PROVIDENCE ROAD 9th DISTRICT

**BEFORE** COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

No. 81-206-XSPH

### OPINION

This case comes before this Board on a denial by the Deputy Zoning Commissioner of Baltimore County on July 16, 1981, for a Special Exception to permit a radio studio to be located on the subject site and permission to amend the site plan to show this studio use. The transmission tower for this radio station is already in place, the Special Exception for this use having been granted through Case No. 76-142-X. The subject property is located on the southeast side of Hart Road, east of Providence Road, contains some 4.39 acres and is zoned DR 1. The presentation of this case consumed two days of hearings, those dates being March 24, 1982 and June 17, 1982.

Petitioner's testimony was that at present time their studio, per se, was located off site from this transmission tower, that their present space was inadequate and that they desired to erect a radio studio near the transmission tower and shielding the present transmission building from view, and entered as an exhibit, the proposed Gibralter Industries building that would be erected for this purpose. Testimony indicated the radio station operates from 6:00 a.m. till sunset, the sign-off time being set by F.C.C. regulations. There would be employed on site, five (5) full-time employees and two part-time employees. Testimony was that these few employees and the normal deliveries expected would generate so few trips that no traffic problems would be created. Testimony from Petitioners, however, also indicated that Hart Road was a very narrow road, one lane in places, and that care must be used in traversing it. There was testimony from an expert witness, a traffic engineer, that traffic at the intersection of Hart Road and Providence Road, this being the main access point to the subject site, was at present at Traffic Level "A", which indicates no congestion whatever and that the proposed use would not affect this traffic level designation at all. This basically concluded Petitioner's case.

520

BEFORE THE COUNTY BOARD OF APPEALS

HAROLD W. GORE S/s Hart Road, 3,456' of Providence Road, 9th District SE-Radio Studio

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CASE NO. 81-206-XSPH SPH-Amendment to site plan 7/16/81 - DZC DENIED special exception and special hearing

SUBPORNA DUCES TECUM PURSUANT TO RULES OF PROCEDURE FOR BALTIMORE COUNTY BOARD OF APPEALS, RULE 5A and 5B

To. County Board of Appeals c/o Ms. Edith T. Eisenhart, Administrative Secretary Room 219, Court House Towson, Maryland 21204

Please issue a Subpoena Duces Tecum as captioned above to Mr. C. Richard Moore, Assistant Traffic Engineer, Baltimore County, Maryland, County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204, and instruct him to bring with him the area traffic maps as compiled for Baltimore County in regard to the 9th District, and specifically Hart Road from its intersection with Providence Road to its terminus; and also the traffic studies for Providence Road from the Beltway Northerly encompassing the intersection of Providence Road and Hart Road. The reason for the request is in regard to the production of evidence in connection with the Protestants' case as to traffic congestion and other factors in connection with Zoning Rule 502. Please make the same returnable to the County Board of Appeals, Room 219, Court House, Towson, Maryland 21204, on Wednesday, March 24, 1982, at 10 a.m.

> THOMAS L. HENNESSEY, P.A. COST SUMMONED 3/24 1982By: Thomas L. Hennessey NON SUNT P.O. Box 5473

407 West Pennsylvania Avenue Towson, Maryland 21204 Phone: 823-7710 Attorney for the Protestants

Mr. Sheriff:

Please serve the above summons.

Edith T. Eisenhart, Adm. Secretary County Board of Appeals of Baltimore County

Harold W. Gore Case No. 81-206-XSPH

LAW OPPICES OF HOMAS L. HENNESSEY, P.A.

TOWSON, MD-#1204

Twelve residents of the area testified in opposition to the granting of this Special Exception. Their major concern was the traffic to be generated by this proposed use would in fact create major problems on this narrow country road. They noted especially the rural residential character of the neighborhood as it now exists. There are no sidewalks, gutters or curbing on Hart Road and in addition to being very narrow, has limited visibility due to encroaching natural growth. This road is used by pedestrians, joggers, bikers, horseback riders, etc. They expressed fears for their children's safety on this road at present and felt that any additional traffic would only compound these fears. They noted that one radio tower in this area has already collapsed Juring a storm during the winter of 1970-71. Fears were expressed regarding the possibility that any additional traffic could create problems for emergency vehicles attempting to use this road and noted one accident between a police car and a private vehicle in 1981 and one child struck by a car while riding his bicycle in about 1974. In addition, residents testified as to the present use of this road by commercial vehicles serving the existing W.I.T.H.) facility, i.e. Purolator, R.P.S., other delivery vehicles, etc., and noted that the proposed use would only increase this commercial traffic. This basically concluded Protestants' case.

The Board must now consider all this testimony and evidence and decide whether to grant or to deny the requested Special Exception. The amendment to the site plan is not really an issue. If the Special Exception is denied, the site plan cannot be amended and if it is granted, it must be amended. Under Section 1801.1.C.15, a radio studio is a permitted use by Special Exception. The granting or denial of any requested Special Exception is governed by Section 502.1, which states:

Before any Special Exception shall be granted it must appear that the use for which the Special Exception is requested will not:

> (a) be detrimental to the health, safety or general welfare of the locality involved.

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THE COUNTY SOARD OF AFFEALS

HAROLD W. GORE S/s Hart Road, 3,456' of Providence Road, 9th District SE-Radio Studio

CASE NO. 31-206-XSPH SPH - Amendment to site plan 7/16/81 - DZC DENIED special exception and special hearing

: : : : : : : SUBPOENA DUCES TECUM PURSUANT TO RULES OF PROCEDURE

TO: County Board of Appeals c/o Ms. Edith T. Eisenhart, Administrative Secretary Room 219, Court House Towson, Maryland 21204

Please issue a Subpoena Duces Tecum as captioned above to the Supervisor of Record, Baltimore County Police Department, Kenilworth Drive, Towson, Maryland 21204, and instruct him to bring with him the report and pictures relative to a motor venicle accident at Hart Road and Denby Road on July 22, 1981, being Report No. 3117553, involving a police car and the motor vehicle driven by Brian Keith Lippy. The reason for the request is in regard to the production of evidence in connection with the Protestants' case as to traffic congestion and other factors in connection with Zoning Rule 502. Please make the same returnable to the County Board of Appeals, Room 219, Court House, Towson, Maryland 21204, on Wednesday, March 24, 1982, at 10 a.m.

FOR BALTIMORE COUNTY BOARD OF APPEALS, RULE 5A and 5E

THOMAS L. HENNESSEY, P.A.

cosr \$ 5.00 Thomas L. Hennessey 407 West Pennsylvania Avenue P.O. Box 5473 Towson, Maryland 21204 Phone: 823-7710 Attorney for the Protestants

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~ TO :

LAW OPPICES OF

TOWSON, MD. 21204

Please serve the above summous.

3/24/

County Board of Appeals of Baltimore County

Harold W. Gore Case No. 81-206-XSPH

ment. The building proposed is an attractive structure in keeping with the residential appearance of the neighborhood and the use proposed is not an offensive use, not producing any significant noise, dust, adors, etc. The Petitioner has also met his burden in 502.1, c, d, e and f. The really only requirement in question is 502.1.b: tend to create congestion in roads, streets or alleys therein. Hart Road from Denby Road to Providence Road presents no problems, but from Denby Road to the subject site does present problems. Testimony presented indicates this section to be a County maintained private road. Exhibits presented, however, indicate that it is really more of a country lane than a normal road, being very narrow, curving and hilly. The use proposed, however, is not a large generator of significant traffic trips per day, even allowing for delivery trips, salesmen trips, visitors' trips, etc., plus the few employees involved. Were the subject site to be developed to its full potential residentially in the DR 1 classification, a significant number of traffic trips would be generated and these would require no order from this Board. Congestion, the key word in 502.1.b, is described in the dictionary as to fill to excess or overburden. The amount of traffic projected by the proposed use will surely not answer this description. The American Law of Zoning, Second Edition, Section 19.21, page 433, states, "Evidence of probable traffic congestion is insufficient to support a denial of permit if it shows only an increase which is insubstantial or traific conditions which are not abnormal." The proposed use will not generate a substantial increase in traffic nor can any traffic conditions to be created be considered abnormal. It is therefore the opinion of this Board that the requirements of Sec. 502.1 have been met and that the Special Exception should be granted and will so order

From testimony and exhibits offered, it appears Petitioner has met his burden in this require-

Under the Baltimore County Zoning Regulations this Board is empowered to place reasonable restrictions upon any Special Exception use granted. In Case 76-35-X, a radio tower for W L I F, expert testimony was presented that in any collapse of a "guyed" radio tower, the expectations were that under an accordian type collapse the tower would not fall beyond the radius of the guy wire anchors.

BEFORE THE COUNTY BOARD OF APPLY . 3

HAROLD W. GORE S/s Hart Road, 3,456' of Providence 9th District SE-Radio Studio SPH-Amendment to site plan CASE NO. 81-206-XSPH 7/16/81 - DZC DENIED special exception and special hearing

> SUBPOENA DUCES TECUM PURSUANT TO RULES OF PROCEDURE FOR BALTIMORE COUNTY BOARD OF APPEALS, RULE 5A and 5B

To: County Board of Appeals c/o Ms. Edith T. Eisenhart, Administrative Secretary Room 219, Court House Towson, Maryland 21204

Please issue a Subpoena Duces Tecum as captioned above to Mr. Robert A. Morton, P.E., Chief, Bureau of Public Services, or his designated agent, to produce before the Poard the file for Public Works Agreement, Project Belvedere Baptist Church, Hart & Cheverly Roads, Project No. 7027, District 9-C4, and to include with the file all traffic comments and plats as well as a letter of June 3, 1977, to the Belvedere Baptist Church, the highway comments in the subdivision review of February 25, 1977 as to Hart Road and Cheverly Road, the subdivision review comments from the Department of Traffic filed by Mr. C. Richard Moore, Assistant Traffic Engineer, as to Hart Road and Providence Road. The reason for the request is in regard to the production of evidence in connection with the Protestants' case as to traffic congestion and other factors in connection with Zoning Rule 502. Please make the same returnable to the County Board of Appeals, Room 219, Court House, Towson, Maryland 21204, on Wednesday, March 24, 1982, at 10 a.m. COST \$ 5.00 THOMAS L. HENNESSEY, P.A.

LAW OFFICES OF

3/34/ 182 407 West Pennsylvania Avenue P.O. Box 5473 Towson, Maryland 21204 Phone: 823-7710 Attorney for the Protestants

Mr. Sheriff:

NON BUILT

COPY UST

Please serve the above summons.

Jone Holmen, Board of Appeals

Harold W. Gore Case No. 81-206-XSPH

This theory has been observed to be correct in other tower collapses, and this is the type transmission tower in place on this site. The Board is troubled with Petitioner's intent to place the proposed structure within this radius. In addition to the normal complement of employees, there may well be visitors, salesmen, delivery men, etc. present in this building. As a safety feature, the Board sees no reason not to locate the proposed studio outside the radius created by the guy wire anchors. Petitioner's Exhibit #2 shows ample area to the east on the subject site to relocate both the entrance, parking area and proposed studio outside this radius and is of the opinion that when the amended plat is submitted this must be accomplished and will so order.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 22nd day of September, 1982, by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner dated July 16, 1981, be REVERSED and that the Special Exception for a Radio Studio on the subject site be and is GRANTED.

FURTHER ORDERED that an amended site plan be submitted showing the entrance, parking area and Radio Studio Building to be located safely outside the radius created by the guy wire anchors.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

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APR 13 1984

IN THE OF THE APPLICATION OF Thomas L. Hennessey, P.A. HAROLD W. GORE CIRCUIT COURT FOR A SPECIAL EXCEPTION IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AND A SPECIAL HEARING EA: Pct O FOR VSON, MARYLAND 21204 APPELLATE COURT ON PROPERTY LOCATED ON THE THOMAS L. HENNESSEY been mailed to Richard A. Reid, Esq., 102 W. Pennsylvania Ave., Towson, Md. 21204 SOUTH SIDE OF HART ROAD, 3,456 ft. BOX NO. 5473 BALTIMORE COUNTY APPEALS FROM THE COUNTY BOARD OF APPEALS NORTHEAST OF PROVIDENCE ROAD OWSO" WARYLAND 21204 BEFORE THE 9th District 77 RE: In the matter of the application AT LAW of Harold W. Gore for a special COUNTY BOARD OF APPEALS Exception and a special hearing Zoning File No. 81-206-XSPH Misc. Doc. No. 14 on property located on the south side of Hart Road, 3,456 feet Folio No. Charles E. Thomas, Jr., et al, 321 northeast of Providence Road Protestants-Appellants James T. Manning, 1111 Hart Rd., Towson, Md. 21204, Lyndon J. Fink, 1035 Hart Rd., BALTIMORE COUNTY 9th District. For the County October 18, 1982 File No. Board of Appeals of Baltimore 82-M-316 County No. 81-206-XSPH. Mr. William T. Hackett, Chairman CERTIFICATE OF NOTICE \* \*\*\* \* \* \* County Board of Appeals Katie McGonnigal, 1022 Hart Rd., Towson, Md. 21204, Ciaro Brown, 1008 Hart Rd., Baltimore County Mr. Clerk: County Courthouse 2nd Floor NOTICE OF APPEAL Towson, Maryland 21204 Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure MR. CLERK: 1107 Hart Rd., Towson, Md. 21204, Randall Mott, 1033 Hart Rd., Towson, Md. 21204, Dear Mr. Hackett: William T. Hackett, Leroy B. Spurrier and Patricia Phipps, constituting the County Board Please note an appeal on behalf of the Protestant, Harold W. Gore, Enclosed please find a copy of the Notice of Appeal. of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the from the Opinion and Order of the County Board of Appeals of Baltimore County If you have any questions, please do not hesitate to contact Md. 21204, Richard McGonnigal, 1022 Hart Rd., Towson, Md. 21204, Frederick Back, representative of every party to the proceeding before it; namely, Richard A. Reid, Esq., dated September 22, 1982 in the above captioned case, a copy of said Opinion 102 W. Punnsylvania Ave., Towson, Md. 21204, Counsel for Petitioner; Harold W. Gore, Very truly yours, and Order being attached hereto. Towson, Md. 21204, People's Counsel for Balto. County, on this 21st day of October THOMAS L, HEINESSEY, P.A. 3061 E. Commercial Blvd., Ft. Lauderdale, Florida 33308, Petitioner; Thomas L. Hennessey Thomas L. Hennesser Esq., 407 W. Pennsylvania Ave., Towson, Md. 21204, Counsel for Protestants; Charles E. TLH/mlh Thomas Cennessey Thomas, Jr., 221 Stoney Run Lane, Balto., Md. 21210, James T. Manning, 1111 Hart Rd. Enclosure CO 407 W. Pennsylvania Avenue Towson, Md. 21204, Lyndon J. Fink, 1035 Hart Rd., Towson, Md. 21204, Wayne Skinner, P.O. Box 5473 Towson, Maryland 21204 County Board of Appeals of Baltimore Count 1020 Hart Rd. - wson, Md. 21204, Geneva Mott, 1033 Hart Rd., Towson, Md. 21204, Attorney for Petitioners Donald Skinner, 1020 Hart Rd., Towson, Md. 21204, Katie McGonnigal, 1022 Hart Rd., MAIL CERTIFICATION Towson, Md. 21204, Ciaro Brown, 1008 Hart Rd., Towson, Md. 21204, Frank Tapscott, I HEREBY CERTIFY that a copy of the aforegoing Notice of Appeal was mailed, postage prepaid, this \_\_\_\_\_day of Ontober, 1982 to William T. Hackett, 1021 Hart Rd., Towson, Md. 21204, Madeline Cooper, 1107 Hart Rd., Towson, Md. 21204, Chairman, Leroy B. Spurrier, and Patricia Phipps, County Board of Appeals, Randall Mott, 1033 Hart Rd., Towson, Md. 21204, Larry Cooper, 1107 Hart Rd., Towson, Baltimore County, County Courthouse, 2nd Floor, Towson, Maryland 21204; a copy Md. 21204, Fred Mott, Jr., 1033 Hart Rd., Towson, Mai. 21204, Richard McGonnigal, to William E. Hammond, Zoning Commissioner for Baltimore County, County Office 1022 Hart Rd., Towson, Md. 21204, Frederick Back, 1025 Hart Rd., Towson, Md. 21204, Building, Towson, Maryland 21204; a copy to Richard A. Reid, Esquire, Attorney Protestants; and John W. Hessian, Esq., Court House, Towson, Md. 21204, People's Counse for Petitioner, Suite 600, 102 West Pennsylvania Avenue Towson, Maryland 21204. for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof. Holmen, Jounty Board of Appeals t House, Towson, Md. 21284 AREA CODE 301 823-7710 LAW OFFICES Thomas L. Hennessey, P.S. 107 WEST PERNSYLVANIA AVENUE TLHimbs TOWSON, MARYLAND 21204 481145H 10/29/82 RETURN MAIL ADDRESS TLHiewh captioned matter for a period of thirty (30) days so that the record is to be 10/29/82 BOX NO 8473 TOWSON, MARYLAND 21204 #81145H IN THE CIRCUIT COURT IN THE MATTER furnished on or before December 19, 1982; OF THE APPLICATION OF October 29, 1982 IN THE MATTER IN THE CIRCUIT COURT FOR BALTIMORE COUNTY OF THE APPLICATION OF HAROLD W. GORE THOMAS L. HEMMISSEY, P.A. WOR A SPECIAL EXCEPTION POR HALTIMORE COURTY WOR A SPECIAL EXCEPTION AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE AND A SPECIAL REARING SOUTH SIDE OF HART ROAD, 3,456 ft. Misc. Docket No. ON PROPERTY LOCATION ON THE 407 West Pennsylvania Avenue NORTHEAST OF PHOVIDENCE POAD SOUTH SIDE OF HART HOAD, 3,456 ft. Misc. Ducket No. P. O. Box 5473 321 Polio No. 9th District NORTHEAST OF PROVIDENCE ROAD Towson, Maryland 21204 Richard A. Reid, Esquire 9th District 321 Polio No. 223-7710 102 West Pennsylvania Avenue 82-H-316 Zoning File No. 81-296-XSPH File No. Attorneys for Protestants-Appellants Towson, Maryland 21204 Zoning File No. 81-206-XSPH Pile No. 82-14-316 Re: Harld W. Gore, Special Exception Property SS Hart Road PETITION FOR EXTERGION OF TIME FOR TRANSMISSION OF NEXOND POINTS AND AUTHORITIES Zoning File No. 81-206-XSPH AMEROMERT OF INSTICE OF APPEAL Now come Fred Mott, Jr., et al. Protestants-Appellants, by their Circuit Court Docket 14, folio 321, File 82-M-316 Haryland Bule B-7b ("Upon application of any party, including the Hr. Clerk: Dear Mr. Reid: attorneys, Thomas L. harmoney, P.A. and Thomas L. Hennessey, and respectfully Please award the Notice of Axwell hereinbefore filed on October 19, Enclosed herewith are copies of Amendment of Notice of Appeal, Tetition represent unto this Honorable Court: Enclosed herewith are copies of Amendment of Notice of Appeal, retition For Extension of Time For Transmission of Record, true test copy of Order, and Petition in Accordance With Rule B2(e) filed today in the captioned matter. transmitted in such shorter or longer time, not exceeding 90 days after receipt 1982 as follows: 1. That under the Rule of Court, transmission to the Clerk of the of the first copy of a Petition of Appeal, as may be ordered, except that the 1. Delete the words in line one "Protestant, Harold W. Gore" and Court of the original or a certified copy of the record of the proceedings in record need not be transmitted untl after disposition of a desurrer or similar Yours very truly, substitute therefor the words "Protestants, Fred Hott, Jr., et al", this matter before the County Board of Appeals is required within thirty (36) pleading.\*) days after receipt of the Petition required pursuent to Maryland Rule B-2. TLH:ewh THOMAS L. HERNESSEY, P.A. Enclosures 2. That a copy of the record of the proceedings in this matter before MAIL CERTIFICATION the Board of Appeals was ordered by the Protestants-Appeallants but that the 407 West Pennsylvania Avenue reporter has informed the Protestants-Appeallants that due to the length of the P. O. Boot 5473 of Time For Transmission of Resord, was mailed, postage prepaid, this 29th day Toweon, Maryland 21204 ALTINORE COLLYTON IN INC. OCUMENT SOLATON CEPAPEALS proceedings in this matter, the transcript to be prepared is quite lengthy and 823-7710 of October, 1982, to William E. Hammond, Zoning Commissioner for Baltimore Attorneys for Petitioners expansive and for this reason, she will be unable to finish and furnish the County, County Office Building, Towern, Maryland 21204; Richard A. Reid, MAIL CERTIFICATION transcript within the 30-day period as specified by the Rules. Esquire, Attorney for Harold W. Gore, Petitioner, Suite 600, 102 West I HEREBY CERTIFY, that a copy of the aforegoing Amundment of Notice of 3. That the reporter has informed the Protestants-Appellants that an Pennsylvania Avenue, Towern, Maryland 21204, and John W. Hessian, Esquire, Appeal was mailed, postage prepaid, this 29th day of October, 1982, to William extension of thirty (30) days beyond the specified 30-day period would be People's Counsel for Baltimore County, Court House, Tosson, Maryland 21204. E. Haumond, Zoning Commissioner for Baltimore County, County Office Building, sufficient to allow her to complete preparation and furnishment of the tran-Towson, Maryland 21204; Richard A. Raid, Esquire, Attorney for Harold W. Gore, script and the reporter has requested that the Protestants-Appellants seek such Petitioner, Suite 600, 102 West Pennsylvania Avenue, Towen, Maryland 21204, and John W. Hessian, Zequire, People's Counsel for Beltimore County, Court MEEREPORE, the Protestants-Appellants pray that this Honorable Court House, Towson, Maryland 21204. LAW OFFICES OF sign the attached Order granting an extension of time for transmission of the LAW OFFICES OF MAR L HEHMESSEY, PCF. TOWBON, MD. 51204 THOMAS L. HENNESSEY, P LAW OFFICES OF record of the presentage before the County Board of Appeals in the above-TOWSON, MD. 21204

IN THE MATTER

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C .

AREA CODE 301 823-7710

Harold W. Gore Case No. 81-206-XSPH

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice has Counsel for Petitioner; Harold W. Gore, 3081 E. Commercial Blvd., Ft. Lauderdale, Fla. 33308, Petitioner; Thomas L. Hennessey, Esq., 407 W. Penna. Ave., Towson, Md. 21204 Counsel for Protestants; Charles E. Thomas, Jr. 221 Stoney Run Ln., Balto., Md. 21210, Towson, Md. 21204, Wayne Skinner, 1020 Hart Rd., Towson, Md. 21204, Geneva Mott, 1033 Hart Rd., Towson, Md. 21204, Danald Skinner, 1020 Hart Rd., Towson, Md. 21204, Towson, Md. 21204, Frank Tapscott, 1021 Hart Rd., Towson, Md. 21204, Madeline Cooper Larry Cooper, 1107 Hart Rd., Towson, Md. 21204, Fred Mott, Jr., 1033 Hart Rd., Towson 1025 Hart Rd., Towson, Md. 21204, Protestants; and John W. Hessian, Esq., Court House,

ayency, and for sufficient cause shown, the Court may direct that the record be

I HEREBY CERTIFY, that a copy of the aforegoing Petition For Extension

Tillianh \$81145H IN THE MATTER IN THE CIRCUIT COURT CF THE APPLICATION OF trasted the convercial use with special exception to DR I classification as to 10/29/82 IN THE MATTER OF HAROLD W. CORE IN THE THE APPLICATION OF FOR A SPECIAL EXCEPTION IN THE CIRCUIT COURT traffic flow. HAROLD W. GORE OF THE APPLICATION OF AND A SPECIAL HEARING WAI TA CIRCUIT COURT FOR A SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE BAROLD W. CORE FOR BALTIMOTE COUNTY 6. The Board erred in its acceptance of the definition of the word FOR A SPECIAL EXCEPTION SOUTH SIDE OF HART ROAD, 3,456 ft. usc. Docket No. AND A SPECIAL HEARING FOR AND A SPECIAL REARING NORTHEAST OF PROVIDENCE ROAD AT LAW "conjection" as applicable to Section 502.1.b. ON PROPERTY LOCATED ON THE ON PROPERTY LOCATED ON THE 9th District Folio No. SOUTH SIDE OF HART RD., 3,456 ft. BALTIMORE COUNTY SOUTH SIDE OF HART ROAD, 3,456 ft. Misc. Docket No. 7. The Board's finding is directly contrary to its Opinion, "Testi-NORTHEAST OF PROVIDENCE RD. Zoning File No. 81-206-XSPH 82-M-316 NORTHEAST OF PROVIDENCE ROAD File No. 9th District AT LAW 9th District 321 mony present of indicates this section to be a County maintained private moad. Polio No. Charles E. Thomas, Jr., et al, Soning File No. 81-206-XSPM 82-M-316 File No. Exhibits presented, however, indicate that it is really more of a country lane Misc. Doc. No. 14 Protestants-Appellants ORDER then a normal road being very narrow, curving and hilly." Folio No. 321 Upon consideration of the aforegoing Petition For Extension of Time Zoning File No. 81-206-XSPH PETITION IN A TOPPONCE WITH RULE B 2(e) 8. And for other and further reasons as may be given at the hearing File No. 82-M-316 for Transmission of Record, it is this 39th day of October, 1982, by the Now dome Fred Mott, Jr., et al, Protestants-Appellants, by their of this cause. Circuit Court for Baltimore County, attorneys, Thomas L. Hounessey, P.A. and Thomas L. Honnessey, and for reasons THINGS L. HERRESSEY, P.A. CERTIFIED COPIES OF PROCEEDINGS BEFORE ORDERED, that an extension of time be granted for transmission of the Appeal from the Order of the County Board of Appeals the 22nd day of September, record of the proceedings before the County Board of Appeals in the above-THE ZONING COMMISSIONER AND THE Thoma L. Bernessey 1982 granting a special exception for a radio studio on the subject site, and 407 Wast Pannsylvania Avenue P. O. Box 5473 captioned case so that the record of the proceedings is to be furnished on or BOARD OF APPEALS OF BALTIMORE COUNTY Townon, Maryland 21204 before December 19, 1982. 823-7710 1. The Opinion and Order complained of is in regard to a special Attorneys for Protestants-Appellants TO THE HONORABLE, THE JUDGE OF SAID COURT: exception and the findings of the Board are against the testimony since the And now come William T. Hackett, Leroy B. Spurrier and Patricia Phipps real relief requested is not for a radio station as provided but shows that constituting the County Board of Appeals of Baltimore County, and in answer to the Order over fifty pr cent (50%) of the area in question is to be for office use. NAIL CERTIFICATION for Appeal directed against them in this case, herewith return the record of proceedings 2. The Board did not properly weight the testimony of the Protest-I HEREBY CERTIFY, that a copy of the aforegoing Petition In Accordance ELMER H. KAHLINE, JR., Clerk had in the above entitled matter, consisting of the following certified copies or original Mots, one of whom particularly is known to them as an engineer and who testiwith Rule B-2(e), was mailed, postage prepaid, this 29th day of October, 1982, fied to safety factors and endorsement of the community due to road width and to William E. Hammond, Zoning Commissioner for Baltimore County, County Office papers on file in the office of the Zoning Department of Baltimore County: physical features. Building, Towson, Maryland 21204; Richard A. Reid, Euglire, Attorney for Harold ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY 3. The Board did upt afford the Protestant's testimony, including the W. Gore, Petic mer, Suite 600, 102 West Pennsylvania Avenue, Towern, Maryland motion pictures presented of a trip dwen Hart Road, as proper weight in its No. 81-206-XSPH 21204, and John W. Hessian, Esquire, People's Counsel for Baltimore County, consideration of conjection and erred in its construction of the law. Petitions of Harold W. Gore for special exception for a radio studio Court House, Towers, Maryland 21204. April 16, 1981 and a special hearing for an amendment to the site plan in Case 4. The Board erred in its failure to give proper weight to the safety No. 76-142-X for expansion of operation, on property located on the south side of Hart Rd., 3,456' northeast of Providence Rd., feature demonstrated by the inability of fire apparatus to service the area and 9th District - filed the insufficiency of water in the area or the fact that the length of the road LAW OFFICES OF LAW OFFICES OF LAW OFFICES OF April 16, 1981 Order of Zoning Commissioner directing advertisement and posting of WAS L. HENNESSEY, P. is against all approved standards for dead-end roads, and the second s property - date of hearing set for June 3, 1981, at 2:00 p.m. FOWSON, NB. 21204 5. The Board erred in its decision that the evidence demonstrated May 14, 1981 Certificate of publication in newspaper - filed that the Putitioner met his burden as established under all of the requirements May 16, 1981 Certificate of Posting of property - filed of Section 502.1 of the Zoning Code of Baltimore County and erroneously con-Comments of Baltimore County Zoning Plans Advisory Committee May 22, 1981 May 25, 1981 Director of Planning - filed Harold W. Gore Harold W. Gore Case No. 81-206-XSPH Case No. 81-206-XSPH Protestants' Exhibit No. 5 - Reel 1, 25607 film 65458 June 3, 1981 At 2:00 p.m. hearing held on petitions by Deputy Zoning Commissione " 6 - Reel 2, 25607 film 65459 IN THE MATTER AREA CODE 301 823-7710 IN THE CIRCUIT COURT Order of Deputy Zoning Commissioner denying special exception and July 16, 1981 OF THE APPLICATION OF special hearing " 7 - Chart of Hart Road FOR BALTIMORE COUNTY HAROLD W. CORE FOR A SPECIAL EXCEPTION LAW OFFICES August 12, 1981 Order of Appeal to County Board of Appeals from Order of Deputy " 8 - Letter, Gilbert Doyle Oct. 10, 1962, AND A SPECIAL HEARING AT LAW Thomas L. Hennessey, P. A. Zoning Commissioner ON PROPERTY LOCATED ON THE from Hart Rd. residents SOUTH SIDE OF HART ROAD, 3,456 ft. Misc. Docket No. Hearing on appeal before County Board of Appeals NORTHEAST OF PROVIDENCE ROAD TOWSON, MARYLAND 21204 " 9 - Letter dated 1/5/73 321 9th District Folio No. THOMAS L. HENNESSEY Continued hearing on appeal before County Board of Appeals BOX NO. 5473 " 10 - Letter dated 1/18/73 JAMES D. O'CONNOR Zoning File No. 81-206-XSPH File No. 82-M-316 January 13, 1983 September 22, 1982 Order of County Board of Appeals granting special exception and " 11 - Letter to Jefferson by Mr. Thomas approving an amended site plan HAND-DELIVERED " 12 - Photostatic copy of photos taken by Mr. ORDER October 20, 1982 Order for Appeal filed in the Circuit Ct. for Baltimore County by County Board of Appeals Upon consideration of the aforegoing Petition For Extension of Time Thomas L. Hennessey, Esq., on behalf of Protestants Room 219, Court House " 13 - Letter to J. Hessian from Edgar Thomas Towson, Maryland 21204 for Transmission of Record, it is this 39th day of October, 1982, by the October 21, 1982 Certificate of Notice sent to all interested parties " " 14 - Plat (2 pages) Re: Case No. 81-206-XSPH Circuit Court for Baltimore County, Misc. Docket: 14, Folic: 321, Circuit Court November 1, 1982 Petition to accompany Order for Appeal filed in the Circuit Ct. for for Baltimore County at Law File No. 82-M-316 Baltimore County " 15 - 2 pages overlay Balto. Co. tax map ORDERED, that an extension of time be granted for transmission of the November 1, 1982 Petition for Extension of Time for Transmission of Record to 12/19/82 January 13, 1983 Second Petition for Extension of Time for Transmission of Record to 1/18/83 " 16 - A thru J - series of photos of surrounding record of the proceedings before the County Board of Appeals in the above-Gentlemen: January 18, 1983 Transcript of testimony filed - 2 Volumes area (only F is marked) People's Counsel Exhibit No. A - Hand drawn map captioned case so that the record of the proceedings is to be furnished on or Per your request, enclosed please find copies of the Orders signed in the above-encaptioned case extending the time for the transmission of the " 17 - Drawing showing homes on Hart Road record. As you can see, one Order was signed by Judge Raine on October 29, before December 19, 1982. " " " 1A-1G-1J - 3 Photos of area 1982 and the other Order was signed by Judge DeWaters on December 15, 1982. " 18 - A thru G -series of photos showing subj If you should require anything further, please do not hesitate to contact us. Petitioner's Exhibit No. 1 - Photo, Gibralter Home property (People's Counsel also has 3 of these photos) " " 2 - Plat " " 19 - Petition for special exception for thomas Herrising " 3 - Description of subj. property identification only True Copy Test Thomas L. Hennessey ELMER H. KAHLINE, JR., Clerk # 4 - Plat plan dated 8/22/76 " 20 - Letter to DiNenna from Thomas (for TLH/JOC/kan identification only) 5 - Photogrametic Map, April 1953 January 18, 1983 Record of proceedings filed in the Circuit Ct. for Baltimore County " 6 - Plat Record of proceedings pursuant to which said Order was entered and " 7 - Phamplet from Utility Tower Co. said Board acted are permanent records of the Zoning Department of Baltimore County, and " 8 - Sheet containing 6 photographs your respondents respectively suggest that it would be inconvenient and inappropriate to file Protestants' Exhibit No. 1 - Overlay as tax map (Bd. of Appeals the same in this proceeding, but your respondents will produce any and all such rules and " 2 - Plat regulations, whenever directed to do so by this Court. " 3 - Zoning description of property Respectfully submitted, LAW 07716E8 04 " 4 - Remainder of Case file 76-142-X cc: Richard A. Reid, Esq. GOO L. WENNESSET. P. Thomas L. Hennessey, Esq. TOWERS, HS. \$1804 John W Hessian, III, Esq. June Holmen, County Board of Appeals of Baltimore County

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IN THE CIPCUIT COURT IN THE MATTER OF THE APPLICATION OF FOR BALTIMORE COUNTY HARCLD W. GORE FOR A SPECIAL EXCEPTION AT LAW AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE Misc. Docket No. SOUTH SIDE OF HART ROAD, 3,456 ft. NORTHEAST OF PROVIDENCE ROAD 321 9th District Foli No. File No. 82-M-316 Zoning File No. 81-206-XSPH

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ORDER

Upon consideration of the aforegoing Petition For Extension of Time for Transmission of Record, it is this 15th day of December, 1982, by the Circuit Court for Baltimore County,

ORDERED, that an extension of time be granted for transmission of the record of the proceedings before the County Board of Appeals in the above-captioned case so that the record of the proceedings is to be furnished on or before January 18, 1983.

devard to be witers

True Copy Test ELMER H. KAHLINE, JR., Clerk Stemda

ROYSTON, MUELLE

SUITE 600

102 W. PENNA. AVE

Towson, Mp. 21204

823-1600

MCLEAN & REID

LAW 9771CES 97

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3/4/81

TO CASE NO. 76-142X

Jaco Broadcasting of Maryland, Inc. and Jaco Broadcasting of Toledo, Inc. (hereinafter referred to collectively as "Jaco") operate and broadcast through station WTOW in Towson. The studio is currently located in the Dulaney Valley Shopping Center and the transmitter and tower are located on the subject property on Hart Road, which Jaco leases from Harold W. Gore. -Jaco now desires to move its studio from the Dulaney Valley Shopping Center to the subject site. The studio will be housed in the residential structure shown on Exhibit 1 attached hereto. The residential structure will abut the existing transmitter to which it will be connected by interior doors, be located in front of the transmitter and screen the view of the transmitter from Hart Road.

It is anticipated that seven full time people will be employed at the studio: There is ample parking provided to accommodate these employees. It is not anticipated that the studio will generate anything but rare and incidental business traffic so that, in reality, the only addition to traffic on Hart Road will be by the employees going to and from work and will be staggered since such employees work different hours between 6:00 a.m. and 8:30 p.m. Accordingly, the granting of the special exception will not tend to create a traffic hazard or excessive traffic congestion.

The property upon which the existing transmitter and tower are located is adjacent to the property upon which is located

The transmitter and tower were the subject of Zoning Case No. 76-142X.

494-3180

County Board of Apprels Room 219, Court House Towson, Maryland 21204

Dec. 9, 1981

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 81-206-XSPH

J. T. Manning

S/s Hart Rd., 3456' NE of Providence Rd.

9th District

HAROLD W. GORE

SE-Radio Studio SPH-Amendment to site plan

7/16/81 - DZC DENIED special exception

and special hearing TUESDAY, JANUARY 26, 1982, at 10 a.m. ASSIGNED FOR: Counsel for petitioner cc: Richard A. Reid, Esq. Petitioner Harold W. Gore Counsel for protestants Thomas L. Hennessey, Esq. Charles E. Thomas, Jr. Protestant

L. J. Fink W. Skinner G. Mott

D. Skinner K. McGonnigal

C. Brown J. Tapacati M. Cooper

R. Mott L. Cooper F. Mott, Jr.

J. Jung

N. Gerber

R. McGonnigal F. C. Back J. Hoswell J. Dyer

W. Hammond J. Hessian, Esq.

June Holmen, Secy.

the transmitter, tower and studio of WLIF. The use sought herein is then in harmony with similar uses in the neighborhood and should be granted.

> 102 W. Pennsylvaria Avenue Towson, Maryland 21204

Attorney for Petitioner

494-3180

County Board of Apprels noom 219, Court House Towson, Maryland 21204

March 26, 1982

NOTICE OF ASSIGNMENT (CONTINUED HEARING)

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-ING DATE IN .. CCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 81-206-XSPH

HAROLD W. GORE

S/s of Hart Rd., 3456' NE of Providence Road

9th District

SE-Radio studio SPH-Amendment to site plan

7/16/81 - DZC DENIED special exception

and special hearing ASSIGNED FOR: THURSDAY, JUNE 17, 1982, at 10 a.m. cc: Richard A. Reid, Esq. Counsel for Petitioner Harold W. Gore Petitioner Thomas L. Hennessey, Esq. Counsel for Protestants Wharles E. Thomas, Jr. Protestant James T. Manning Lyndon Fink Wayne Skin Geneva Mott Donald P. Skinner Katie McGonnigal Ciaro Brown Jim Tapacati Madeline Cooper Randall Mott Larry Cooper

Richard McGonnigal Frederick Back N. Gerber J. Hoswell

W. Hammond

J. Hessian, Esq.

Bellimon Co Office Buildy

People's Counsel

Hat Here

Ballimore Palicey

Acquist 16, 1976

HTROLD W. CORE S/s Hart Ruad, 3,456' of Providence 9th District

SE-Radio Studio

STH-Amendment to site plan 7/16/81 - DZC DENIED special exception and special hearing

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CASE NO. 81-206-XSPH

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: : : : : : : SUBPORNA DUCES TECUM PURSUANT TO RULES OF PROCEDURE FOR BALTIMORE COUNTY BOARD OF APPLALS, RULE SA and SB

BLITCHE THE COUNTY BOARD OF AFF

To: County Board of Appeals c/o Ms. Edith T. Eisenhart, Administrative Secretary Room 219, Court House Towson, Maryland 21204

Please issue a Suppoena Duces Tecum as captioned above to Mr. Robert A. Muston, P.E., Chief, Bureau of Public Services, or his designated agent, to produce before the Board the file for Public Works Agreement, Project Belywhere Paptist Church, Hart & Cheverly Boads. Project No. 7027, District 9-C4, and to include with the file all traffic comments and plats as well as i letter of June 3, 1377, to the Belvedere Buptist Church, the highway comments in the subdivision review of Tebruary 25, 1977 as to Hart Road and Cheverly Food, the subdivision review currents from the Department of Traffic filed by Mr. C. Richard Moore, Admistant Traffic Engineer, as to Hart Road and Providence Road. The reason for the request is in regard to the production of evidence in connection with the Protestants' case as to traffic congestion and other factors in connection with Zoning Rule 502. Please make the same returnable to the County Board of Appeals, Room 219, Court House, Towson, Maryland 21204, on Wednesday, March 24, 1982, at 10 a.m.

THOMAS L. HENNESSEY, P.A.

MA, C. HENNESSEY PA

Thomas L. Hernessey 407 West Pennsylvania Avenue P.O. Box 5473 Towson, Maryland 21204 Phone: 823-7710 Attorney for the Potestants

June Holmen, Board of Appeals

trecause et othe colorence et limitations spelled out in the Special Exceptions granted, Gr Wireless Transmitting Structures ("antenres") on this site, which has resulted in a very great enlargement et their size From these excelled originally, I believe it is necessary for protestion of the neighborhood and its residental character that limits be placed on any www or additional Special Exceptions which

I request "that you give consideration to including limitation Special Exception. if granted; to limit the reader Studies to " a floor were not greater Than twice their present size appears appropriate with to the reads of WLIF and of

the neighborhood.

Subject: Case 77-37-X

(Redio Studies For

ULIF, Hort Proof)

Dear Mr Distrumer
I wish to acquirse to the subject Petition by WLIF, but request that if granted by you, restrictions be incoparated in that approval, which will provide clearly - stated limits to any present or future responsion to use of the site for redie studios.

Besod on discussions with the Bieler of WLIF and his atterny par James Moland and with Mr Juries Dyer of your effice I understood That The Petition includes a cite-plan or description showing the prient studio building and potential expansion to one approximately twice

Talse understant that it is the Zening Office policy That use of Sprud Exceptions is limital to that described

L. NORM PROMOTORISM (SECONDO SECONDO DE PROPERTO DE PR

ROYSTON, MUZLLER,

MCLEAN & REID

SUITE GOO

108 W. PENNA. AVE.

TOWSON, MD. 2120

823-1600

RE: PETITION FOR APECIAL EXCEPTION S/S of Hart Road, 4050' E of Providence Road - 9th Election District Robert W. Sudbrink - Petitioner

NO 77-37-X (Item No. 243)

BEFORE THE DEPUTY ZONING

BALTIMORE COUNTY

::: :::

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for a Special Exception on behalf of radio station W.L.I.F. for radio studios in a D.R.1 Zone, located on the south side of Hart Road, 4,050 feet east of Providence Road, in the Ninth Election District.

The existing radio and transmitting facilities, and studios, are located at the aforementioned address, where they have been operating, more or less, continuously since December, 1970.

Testimony offered at the hearing indicated that a Special Exception for a radio station, Case NO. 3579-X, was granted at the subject location in 1955, but that none exists for the studios, thereby necessitating the current action.

In conjunction with the Petition for the present studios, housed in an 800 square foot building, the Petitioner requests expansion to the extent of an additional 800 square feet for possible future utilization.

Without reviewing the evidence further in detail, but based on all the evidence presented at the hearing, in the judgement of the Deputy Zoning Commissioner, the prerequisites of Section 1B01.1C.15 have been met and the Special Exception should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this \_\_\_\_\_ day of August, 1976, that the Special Exception for radio studios and the expansion thereof should be and the same is GRANTE from and after the date of this Order, subject to the following:

Petition 81-206X Hart Road

- I, the undersigned, a resident of the neighborhood of Hart Road, immediately affected by a proposed zoning special exception petition for changes to the property on the south side of Hart Road, East of Providence Road, hereby wish it known:
- 1. That I object as to any further enlargement of the commercial use by radio studios and radio antenna in our residential neighborhood.
- 2. That the expansion of wireless transmission facilities impedes the quiet enjoyment of our homes and could be detrimental to our safety, welfare and to the general public good of our residentially designed neighborhood.
- 3. That in the past we have consented, or our predecessor in title. have consented, to the gradual expansion of useage of this property.
- 4. That the traffic pattern, the insufficiency of road availability, the danger of fire and lack of service of a fire and police nature due to the limitation of the road size makes the further addition incompatible and unacceptable.

5. The last concession granted by the Deputy Zoning Commissioner, George Martinak, limited the "expansion of radio station WLIF's facilities or the facilities of any future stations operating in the subject location shall be limited to the above 800 square foot addition" which Order was accompanied by a plat. The owners, developers and successors in title have breached the good faith of past negotiations of the residents of the neighborhood and wish a further encroachment upon our tranquility and residentially zoned lands.

6. My property is in the immediate vicinity of the requested change in the special exception.

7. It is my wish that this statement of protest be added to the Zoning

Commissioner's file to be considered at the hearing in addition to testimony which I might make available at that time.			
ADDRESS: Tower DATE:  1022 Harr Ro NO 21204 6/2/8/  Dan de Seland Dan 1101 Hart Rel Towen 110 3June 1			
Dander Sel France 1101 Hart Rel Town Mel 3 June			
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1. Expansion of radio station W. L. I. F. 's facilities, or the facilities of any future station operating at the subject location, shall be limited to the above referenced 800 square foot addition.

2. Approval of a site plan by the Baltimore County Department of Public Works and the Office of Planning and Zoning.

Petition 81-206X Hart Road

I, the undersigned, a resident of the neighborhood of Hart Road, immediately affected by a proposed zoning special exception petition for changes to the property on the south side of Hart Road, East of Providence Road, hereby wish it known:

- 2 -

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NAME:	ADDRESS -	DATE:
Karlenxe Kerr Mc Sonne gal	1022 Hart Road	Jan 2, 1981
Fuluit Charles Back	1025 HART P.	June 2, 1981
Dary antivite Book	10-25 Hart KL	June 2, 1981
halle Kengto Soluto	1007 HANT RO	Jun 2 1989
Carol Wagner Athanto	w 1007 Harr Ro	6/2/51
Dalvatre U. Gulatta	107 Hart Hd.	6/2/81
Mary Jone Calatta	1037 Hail Sd.	6/3/81
	,,,.	

Petitions (5 pages) Photograph - sign

PROTESTANTS EXHIBITS

Photograph - road & woods Photograph - Zoning sign at Hart & Providence

Photogrammetric map marked with road widths & residences 7 photos

81-206-XSPH

Area Zoning map.

Chronological Chart

	<u> </u>	IPANDING U	TILIZATIO W LIF	N OF HART REVED / WTOW (INd. WARE)
	DATE, AM L	245 '	<u>√2€</u>	DATE FM USE
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	SOME TIM AMREA IN INTERVAL		1	CP to thomps site with FM ant. Side with on 100' tower (121' tital)  (Insurand Oct; 60)
	Permit To go directional (TTO toward) (Inc greated June 13)		-200	July 61  C.P. for 115 have on different site (files do not since the arrow the count)  Economic Spec Every Mary 62  May 62 Carre substitution
	1963		1	CP For FM aut Sidemental to AM tour ef army under contr at 200' lavel (he. Jan 64)
	CP For installation of two (new) Times (1 is aread Jime 69)  Cct 75  Cypt Ti marked beyond		- 603·	<u> </u>
	Note: 60 Caucher 61 Note: 60 Caucher 61 Note: 60 Caucher 61 Note:	S'Tower	- 488,	(Lie April 71) Among)  May 71  CP To Change To
	Nov 71  Modify CP to change from direction 1 to mondia and 102' Lt (Lie Fab 78)	P	- 847	(LIC Supil 71)
		(05'-	c	Oct '72 P to always FM ant ht To 847', and
	711		8443,	(Lie June 194)
	Aug 11, 1975  CP to increase and  ht to 283'  non-dir.		<del></del>	
c- not exh 8	A DOED	ec Excep on 4,39 2 Acres Applies		that present Com.  The of Foce Sendent Borne  Files, Chart of the fire of 10/16
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CHRONOLOGICAL CHART OF

( Petition 81-206X Hart Road

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3. That in the past we have consented, or our predecessor in title. have consented, to the gradual expansion of useage of this property.

4. That the traffic pattern, the insufficiency of road availability, the danger of fire and lack of service of a fire and police nature due to the limitation of the road size makes the further addition incompatible and unacceptable.

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Ì	NAME: ADDRESS: DATE:	
	Heleleine Cark Coaper 1107 Hart Rd. 6/2/81 v	
	Lurence Joseph Content J. 1107 Heat Rd. 6/2/81.	
	Danes Thomas hearing 1111 HAST Road 6/2/81 V	
	Thomas Meria Manning 1111 Host Road 6/2.181	
	aly a. Marki 1103 Hard Ros 6/3/81	
	Bolin Arm Male 1102 Hort Bd 10-2-8/1	3
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t magnit make available at that time.	-
NAME: ADDRESS:	DATE:
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